

# Washington, Friday, October 13, 1914

# The President

#### PROCLAMATION 2626

SERVICE COURTS OF FRIENDLY FOREIGN FORCES WITHIN THE UNITED STATES

BY THE PRESIDENT OF THE UNITED STATES
OF ALIERICA

#### A PROCLAMATION

WHEREAS the act of June 30, 1944, Public Law 384, 78th Congress, entitled "AN ACT to implement the jurisdiction of service courts of friendly foreign forces within the United States, and for other purposes", provide in part as follows:

"SEC. 6. This Act shall be operative with respect to the military, naval, or air forces of any foreign state only after a finding and declaration by the President that the powers and privileges provided herein are necessary for the maintenance of discipline. The President may at any time revoke such finding and declaration."

WHEREAS there are within the United States military, naval, or air forces of the United Kingdom and Canada, cobelligerents:

WHEREAS the Government of the United Kingdom and the Government of Canada have made known to the Government of the United States their desire to exercise within the United States jurisdiction over offenses committed by members of their respective military, naval, or air forces;

WHEREAS the Government of the United Kingdom and the Government of Canada have recognized the right of the United States to jurisdiction over offenses committed by members of its armed forces in their respective territories and have made available appropriate facilities for the effective exercise of such jurisdiction;

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority vested in me by the said act of June 30, 1944, do find and declare that the powers and privileges provided in that act to implement the

jurisdiction of courts martial or other military tribunals of friendly foreign forces within the United States are necessary for the maintenance of discipline of the military, naval, or air forces of the United Kingdom and Canada within the United States:

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be

DONE at the City of Washington this

11th day of October, in the year of
our Lord nineteen hundred and

[SEAL] forty four and of the Independence of the United States
of America the one hundred and sixtyninth.

#### FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL, Secretary of State.

[F. R. Doc. 44-15786; Filed, Oct. 12, 1944; 12:56 p. m.]

# **EXECUTIVE ORDER 9487**

REGULATIONS GOVERNING THE ISSUANCE OF NON-NECESSITY CERTIFICATES UNDER SECTION 124 (d) OF THE INTERNAL REV-ENUE CODE

# Correction

In paragraph 1 (a) of Executive Order 9487, appearing at page 11987 of the issue for Tuesday, October 3, 1944, "December 31, 1933" should read "December 31, 1939".

# Regulations

# TITLE 6-AGRICULTURAL CREDIT

Chapter III—War Food Administration (Farm Security)

PART 320—METHOD OF REDELEGATION OF AUTHORITY

§ 320.1 Delegation of authority—(a) General. Delegation of authority is an (Continued on next page)

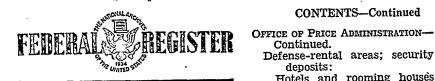
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Book 1: Titles 1-3 (Presidential doc uments) with tables and index. Book 2: Titles 4-9, with index. Book 3: Titles 10-17, with index. Book 4: Titles 18-25, with index. Book 5, Part 1: Title 26, Parts 2-178. Book 5, Part 2: Title 26, completed; Title 27; with index.

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essential instrument of administration and should be employed at all administrative levels to the fullest extent practicable and consistent with applicable regulations. It is often a necessary corollary to the assignment of duties and responsibilities, but each must be clearly established in order to avoid misunderstanding. Assignment of duties must not be made when it may have the direct or indirect effect of conveying authority where delegation is not authorized. Although the delegation of authority conveys a commensurate personal responsibility and liability for acts performed thereunder, delegating officials retain full responsibility for supervising and directing their subordinates in the proper exercise of such authority and may, in default thereof, share liability for improper use. All delegations, revocations or modifications of authorities must be in accord with this instruction and other regulations and procedures.

(b) Authorities. (1) All FSA officials are vested with all authorities vested in or delegated to any of their respective subordinates in the same direct line of authority, except (i) where authorities are delegated directly to such subordinates by authorized Departmental or other Government officials other than FSA officials, and (ii) where fiscal instruments must be approved by immediate supervising officials, by officials in charge, or by officials responsible for receipt of goods or services. In order to avoid the necessity of numerous intermediate delegations of authority, delegation will usually be made directly to the official(s) who it is intended will exercise the authority under normal circumstances and, wherever practicable, to positions rather than individuals.

(2) Regional Directors, may, for justifiable reasons and by written notice to the individual employee concerned, revoke or modify any authority to their subordinates except authority delegated directly by the authorized Departmental or other Government officials other than FSA officials. In justifiable circumstances Regional Directors may delegate to appropriate officials in the regional office any authority which is vested in or delegated to state, district or county officials, except where prohibited or limited by applicable procedures.

(3) Any official may, for justifiable reasons, by written notice and in accordance with applicable regulations and procedures, revoke or modify any authority which he has personally delegated.

(4) All authorities, whether vested, delegated or redelegated, will be exercised in full compliance with the limitations, conditions, and requirements of applicable regulations and procedures, and subject to such direction and supervision as

may be consistent therewith.

(c) Expiration of delegated authorities. (1) Blanket or position delegations automatically remain in effect regardless of changes in incumbents until the instrument of delegation, usually an instruction, is withdrawn or revised, subject to such modification or revocation as may be made in individual cases as authorized herein. The incumbents of positions named in such delegations are automatically divested of the specific authorities in case of separation, transfer or removal from the named position. New incumbents are automatically vested with all authorities vested in or delegated to the named positions, subject to such modification or revocation as may be made in individual cases as authorized herein.

(2) Individual delegations of authority (delegations to persons by name) expire (i) on the date specified; (ii) when the delegate is separated or leaves the position with which the delegation is invalidated by regulations or procedures; or (iii) the delegation is revoked or modi-

fled as provided herein.

(3) Unless provided in the instrument of authorization, delegations or redelegations of authority, whether individual or position, do not expire upon separation or transfer of the official who makes the delegation. New delegations should not be made, in such cases, unless necessary for other reasons. However, new incumbents of positions from which such delegations have been made should, as soon as practicable, review existing delegations to their subordinates for the purpose of determining if any changes should be made or recommended.

(d) Execution of delegation forms.

(1) Wherever authority has been vested in an official with a provision that such authority, or any part thereof, may be redelegated to one or more subordinate and no other form of delegation is specified, the following form will be used with such modification as may be necessary. Officials must observe any limitations placed upon their power to redelegate and must see that the delegate is bonded, if the authority requires a bond, or meets any other requirements.

Pursuant to authority vested in me as

(title) (document reference)

I hereby delegate to (name) (location)

authority to (description of authority so dele-

gated, containing any necessary limitations)

in accordance with applicable regulations and procedure. This delegation shall be effective as of \_\_\_\_\_\_ and shall (date) continue in effect during his incumbency, unless revoked or otherwise modified in writing.

Signed
Title
Date
(Add any necessary approvals)

(2) In regional and other field offices unless otherwise provided, delegations of authority, revocations, or modifications thereof will be prepared and signed in an original and two copies for distribution: Original to the delegate (in district and county offices file in delegate's personnel folder), two copies to the Regional Director, one of which will be filed in the delegate's personnel folder (Regional Communications and Records Section), the other will be transmitted to the Finance Area Manager if fiscal matters are involved in the delegation; otherwise the other copy may be destroyed.

(3) In the national office, delegations of authority, revocations, or modifications thereof will be prepared in an original and two copies, plus such additional copies as may be needed for distribution to affected offices. Distribution will be as follows: Original to the delegate; one copy to the delegate's personnel folder (Communications and Records Section); one copy for the originating office file; one copy to each office or division affected.

§ 320.2 Designation of acting regional directors. (a) Each Regional Director is hereby authorized to designate indi-vidual members of his staff to act for him during his temporary absence from his official headquarters, and may delegate to such individuals any and all rights, privileges, and powers including the authority to execute documents concerned therewith, vested in the Regional Director, with the exception of authorities delegated directly to him by authorized Departmental or other Government officials other than FSA officials, the redelegation of which is expressly prohibited and which may in the Regional Director's absence be exercised by previously designated individuals.

(b) Designations, as provided above should be made preferably to an Assistant Regional Director; may cover any temporary absence of the Regional Director during a specified period or cover only a single absence; may cover all rights, privileges and powers of the official or may be limited; must be made in writing, indicating the individual by name and title and specifying the period during which the designation will be effective; and may be revoked, in writing, at any time.

(c) The Regional Director may designate more than one individual and the order of succession between them. This may be accomplished by a single comprehensive delegation (see suggested form) or by separate delegations which indicate the order of succession by showing in each, the officials whose absence will make the delegation operative for the respective individuals.

(d) The following is a suggested form of designation. If the delegation is to be limited, the Regional Director will substitute the description of the func-

tions to which the delegation is limited for the phrase "all rights, privileges, and powers (including the authority to execute all instruments in connection therewith) vested in me", in this form.

in the absence of both and myself, I further designate (name)

(name) to act as Regional Director dur-

(titlo)
ing my absence from duty at the regional
office and I hereby delegate to such Acting
Director, all rights, privileges, and powers
(including the authority to execute all instruments in connection therewith) vested
in me. This designation and delegation shall
be effective as of \_\_\_\_\_\_\_ and shall con(date)

tinue in effect until and including \_

(date)

Signed
Regional Director, Region
Date

(e) The above-described form of designation and any revocation thereof will be prepared in an original and two copies plus such additional copies as may be needed for distribution to affected offices. Distribution will be made as follows: Original to the designated individual; one copy to-the Finance Area Manager; one copy for filing in the Regional Communications and Records Section of the BM Division and one copy to each office affected.

(f) The designated individual w. sign all documents under such an authorization with his own signature over his temporary title, "Acting Regional Director."

FRANK HANCOCK, Administrator.

OCTOBER 9, 1944.

[F. R. Doc. 44–15770; Filed, Oct. 12, 15♣; 11:24 a. m.]

# TITLE 7-AGRICULTURE

Chapter VIII—War Food Administration (Sugar Orders)

PART 802-SUGAR DETERMINATIONS

DETERMINATION OF VAIR AND REASONABLE PRICES FOR 1944 CROPS OF FLORIDA AND LOUISIANA SUGARCAND FOR SUGAR

Pursuant to section 301 (d) of the Sugar Act of 1937, as amended, and Executive Order No. 9322, issued March 26, 1943, as amended by Executive Order No. 9324, issued April 19, 1943, the following determination is hereby issued:

§ 302.22m Fair and reasonable prices for the 1944 crop of Florida sugarcane for sugar. Fair and reasonable prices for the 1944 crop of Florida sugarcane for sugar shall not be less than those provided for in the determination of fair and reasonable prices for the 1943 crop of Florida sugarcane for sugar, issued November 13, 1943, and published in the Fidmal Register on November 16, 1943 (8 F.R. 15549). (Sec. 301, 50 Stat. 309;

7 U.S.C. 1131; E.O. 9322, as amended by E.O. 9334)

§ 802.22n Fair and reasonable prices for the 1944 crop of Louisiana sugarcane for sugar. Fair and reasonable prices for the 1944 crop of Louisiana sugarcane for sugar shall not be less than those provided for in the determination of fair and reasonable prices for the 1942 crop of Louisiana sugarcane for sugar, issued October 8, 1942, and published in the FEDERAL REGISTER on October 10, 1942 (7 F.R. 8013), except that for the purpose of determining season average prices for 96° raw sugar, duty paid basis at New Orleans, Louisiana, the period beginning with October 13, 1944 (or the Friday within the first marketing week of actual trading) and ending on March 30, 1945, shall be governing. (Sec. 301, 50 Stat. 909; 7 U.S.C. 1131; E.O. 9322, as amended by E.O. 9334)

Issued this 11th day of October 1944.

ASHLEY SELLERS, Assistant War Food Administrator.

[F. R. Doc. 44-15738; Filed, Oct. 11, 1944; 3:18 p. m.]

Chapter XI-War Food Administration (Distribution Orders)

[WFO 116]

PART 1470—FOOD STORAGE FACILITIES ALLOCATION OF FREEZER SPACE AND PRIORITY OF DELIVERY

The fulfillment of the requirements of the defense of the United States will result in a shortage in the supply of freezer facilities in public cold storage warehouses for defense, for private account, and for export, and the following order is deemed necessary and appropriate in the public interest, and to promote the national defense:

§ 1470.7 Allocation of freezer space and priority of delivery—(a) Definitions. When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent thereof:

(1) "Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not, and includes the United States, or any agency thereof, any state or political subdivision or agency thereof, and any

other governmental agency.
(2) "Public cold storage warehouse" means any artificially-cooled warehouse or other artificially-cooled place of storage, the operator of which is engaged in

- storing goods therein for conpensation.
  (3) "Freezer space" means any space in a public cold storage warehouse which can be maintained at a temperature of 29 degrees Fahrenheit or lower, and shall include any portion of such space which is held or controlled by any person other than the operator of the warehouse, but shall not include that portion of such storage space occupied by individual lockers having a capacity of less than 25 cubic feet each.
- (4) "Emergency order" means any contractor or order for the use of freezer space to which an allocation authoriza-

tion has been assigned by the Director as provided in this order.

- (5) "Government agency" means any office, board, commission, independent establishment, authority, corporation, department, bureau, branch, division, institution, service, administration, or other unit of the United States Govern-
- (6) "Armed Services of the United States" means the Army, Navy; Marine Corps, or Coast Guard of the United States, excluding, for the purposes of this order, United States Army post exchanges, United States Navy ships' service departments, United States Marine Corps post exchanges, and similar organizations.
- (7) "Food" means all commodities and products, simple, mixed, or compounded, that are or may be eaten or drunk by either humans or animals, irrespective of other uses to which such commodities or products may be put, and at all stages of processing from the raw commodity to the product thereof in a vendible form for immediate human or animal consumption.

(8) "Unoccupied space" means freezer space not physically occupied by any commodity.

(9) "Director" means the Director of Distribution, War Food Administration.

(b) Freezer space allocation authorizations. (1) The Director may issue allocation authorizations allocating to the Armed Services of the United States the use of freezer space in public cold storage warehouses. Such authorizations may be assigned to contracts or orders for freezer space prior to or after the time of placing or acceptance.

(2) Allocation authorizations shall be

issued only:

(i) With respect to storage of a definite amount of product, or with respect to a definite amount of freezer space;

(ii) For the storage of frozen meat. frozen poultry, or meat or poultry to be frozen;

(iii) For storage in freezer space in public cold storage warehouses located in a specified one of the following cities:

Baltimore, Md. Buffalo, N. Y. Chicago, Ill. Cincinnati, Ohio. Dallas, Tex. Denver, Colo. Detroit, Mich. Duluth, Minn. Fort Worth, Tex. Kansas City, Kans. Kansas City, Mo. Milwaukee, Wis. Minneapolis, Minn. Nashville, Tenn. Omaha, Nebr. Philadelphia, Pa. Salt Lake City, Utah. Springfield, Ill. St. Paul, Minn. St. Louis, Mo.

(c) Duration of freezer space allocation authorizations. Each allocation authorization shall specify a period ending not later than 11:59 p. m., e. w. t., on the seventh day following the date of issuance, during which all emergency orders to which the authorization is applicable must be placed with any person operating a public cold storage warehouse which has unoccupied freezer space or in which freezer space becomes unoccupied before the termination of such period. The authorization shall expire and be without force and effect as to any emergency order not so placed before the termination of such period. All such allocation authorizations may be revoked at any time by the Director. Nothing contained in this order shall authorize the holding of reservations of freezer space for any period of time in excess of that permitted under any other applicable war food order or orders.

(d) Compulsory acceptance and execution under emergency orders. An emergency order must be accepted and the commodity tendered for storage thereunder must, in preference to any other commodity, be placed in freezer space to the extent necessary to fulfill the requirements of the emergency order, or to the extent space is or may become unoccupied, except that such acceptance and placing of such commodity in freezer space under such order need not be

(1) If there is in the public cold storage warehouse to which such emergency order is presented, no unoccupied freezer space and no such space becomes unoccupied during the time specified within which such emergency order may be placed.

(2) To the extent that the acceptance of such emergency order and the placing of such commodity in freezer space under such order would result in the total occupancy of freezer space by or for the account of all Government agencies of an amount greater than one-half of the total freezer space in any such public

cold storage warehouse.

(3) If the Armed Services of the United States have no storage contract or agreement with such public cold storage warehouse and are unwilling or refuse to store commodities therein in accordance with the same terms, conditions, and rates of storage which are available to other persons storing commodities in such warehouse: Provided, That there shall be no discrimination against such emergency orders in establishing terms, conditions, and rates of storage.

If the person with whom the emer-gency order is placed is without authority to accept the order and to comply therewith by placing the tendered commodity in freezer space in the public cold storage warehouse in which such space is requested, he shall immediately inform the person placing the emergency order of this fact and also inform him of the name of the person having such authority. Until such time as the emergency order is withdrawn or the allocation authorization is revoked, the person with whom the order is placed shall not place any commodity, or cause or permit any commodity to be placed within any freezer space in such public cold storage warehouse, except as permitted by this order: Provided, That as soon as the person placing the order is notified that the person with whom the order is placed is without authority to accept the order and to comply therewith, an emergency order shall thereupon be placed with the person owning or otherwise exercising control over such public cold storage warehouse.

The placing of any commodity in freezer space other than under such emergency orders shall be deferred to the extent necessary to provide such space for storage of commodities tendered under such emergency orders, even though such deferment may cause defaults under other contracts or orders and even though reservations may have been made of such freezer space for commodities tendered by other persons.

tendered by other persons.

(e) Placing of emergency orders.
Emergency orders may be placed by regular or registered mail, by telegraph, or by personal service upon the person with whom the order is to be placed.

(1) Priority of deliveries out of public cold storage warehouses. Any person operating a public cold storage warehouse shall give precedence to orders issued by the Armed Services for the delivery or removal of frozen meat and frozen poultry out of storage in such warehouse over orders issued by other persons for the delivery or removal of food out of storage in such warehouse: Provided, That such precedence of delivery or removal out of storage shall apply only to such warehouses located in any of the cities listed in paragraph (b) (2) (iii) hereof.

(g) Failure to comply. When the terms of an emergency order have not been complied with or priority of delivery not given, and such failure appears to the person placing-such order to be improper, a report shall be filed promptly by the Armed Services of the United States with the Director setting forth the facts in connection with such failure to comply. The Director may thereupon take such action as he deems appropriate.

(h) Contracts. The requirements of this war food order shall be observed without regard to contracts now existing or hereafter made or any rights accrued

or payments made thereunder.

(i) Records and reports. Every person participating in a transaction involving an emergency order or with whom an emergency order shall be placed, shall keep and preserve for at least two years accurate records with regard to all of his transactions or activities concerning freezer space in any public cold storage warehouse which he operates. The records required may be kept by preserving the usual business papers and records insofar as they provide the information required. The Director shall be entitled to obtain such information and require such reports and the keeping of such additional records by any person as may be necessary and appropriate in his discretion to the enforcement or administration of the provisions of this order.

(j) Audits and inspections. The Director shall be entitled to make such audits and inspection of the books, records, and other writings, and premises of any person participating in any transaction with respect to which a freezer space allocation authorization applies or of any person with whom an emergency order shall be placed, and to make such investigations as may be necessary or appropriate in his discretion to the enforcement or administration of the provisions

of this order.

(k) Petition for relief from hardship. Any person affected by this order who considers that compliance herewith would work an exceptional or unreasonable hardship on him may file a petition for relief with the Order Administrator.

Such petition should be addressed to Order Administrator, WFO 116, Marketing Facilities Branch, Office of Distribution, War Food Administration, Washington 25, D. C. Petition for such relief shall be in writing and shall set forth all pertinent facts and the nature of the relief sought. The Order Administrator may take any action with reference to such petition which is consistent with the authority delegated to him by the Director. If the petitioner is dissatisfied with the action taken by the Order Administrator on the petition, he shall obtain, by requesting the Order Administrator therefor, a review of such action by the Director. The Director may, after said review, take such action as he deems appropriate, and such action shall be final. The provisions of this paragraph (k) shall not be construed to deprive the-Director of authority to consider originally any petition for relief from hardship submitted in accordance therewith. The Director may consider any such petition and take such action with reference thereto that he deems appropriate, and such action shall be final. The filing of any such petition shall not excuse failure to comply with any of the provisions of this order unless the Director specifically authorizes the withholding of compliance pending the disposition of the petition.

(1) Violations. Any person who violates any provision of this order may, in accordance with the applicable procedure, be prohibited from receiving, making any deliveries of, or using any material or facility subject to priority or allocation control by the War Food Administrator. In addition, any person who wilfully violates any provision of this order is guilty of a crime, and may be prosecuted under any and all applicable laws including but not limited to the act of June 28, 1940, as amended by the act of May 31, 1941, and Title III of the Second War Powers Act, 1942. Civil action may also be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(m) Communications. All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise provided herein or in instructions issued by the Director, be addressed to the Order Administrator, War Food Order 116, War Food Administration, Washington 25, D. C.

(n) Delegation of authority. The administration of this order and the powers vested in the War Food Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the Director. The Director is authorized to redelegate to any employee of the United States Department of Agriculture any or all of the authority vested in him by this order.

(o) Territorial extent. This order shall apply only to the forty-eight (48) states of the United States, and the District of Columbia.

(p) Effective date. This order shall become effective at 12:01 a.m., e. w. t., October 13, 1944.

Note: All record-keeping requirements of this order have been approved by, and subrequent reporting and record-keeping requirements will be subject to the approval of, Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(E.O. 9280, 7 FR. 10179; E.O. 9322, 8 FR. 3807; E.O. 9334, 8 FR. 5423; E.O. 9392, 8 FR. 14783)

Issued this 11th day of October 1944.

Ashley Sellers, Assistant War Food Administrator.

[F. R. Doc. 44-15733; Filed, Oct. 11, 1944; 3:19 p. m.]

Chapter XII—War Food Administration (Commodity Credit Orders)

[WFO 26, Termination]

PART 1600-OILSEEDS

SOYBEAM, COTTONSEED AND PEARUT LIEAL

War Food Order No. 26 (formerly Commodity Credit Corporation Order 5), 8 F. R. 10705 is hereby terminated as of 12:01 a. m., e. w. t., October 11, 1944.
With respect to violations, rights ac-

With respect to violations, rights accrued, or liabilities incurred under War Food Order No. 26 prior to said date, all provisions of said War Food Order No. 26 shall be deemed to remain in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 176; E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334; 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 11th day of October 1944.

Ashley Sellers, Assistant War Food Administrator.

[F. R. Doc. 44-15771; Filed, Oct. 12, 1344; 11:24 a.m.]

[WFO 27, Termination] Part 1600—Oilseeds

Soybeans

War Food Order No. 27 (formerly Commodity Credit Corporation Order 6) 8 F. R. 12733, is hereby terminated as of 12:01 a. m., e. w. t., October 11, 1942.

With respect to violations, rights accrued, or liabilities incurred under War Food Order No. 27 prior to said date, all provisions of said War Food Order No. 27 shall be deemed to remain in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 176; E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334; 8 F.R. 5423; E.O. 9392, 8 F.R. 14763)

Issued this 11th day of October 1944.

Ashley Sellers, Assistant War Food Administrator.

[F. R. Doc. 44-15772; Filed, Oct. 12, 1944; 11:24 a.m.]

#### TITLE 10-ARMY: WAR DEPARTMENT

Chapter VIII—Procurement and Disposal of Equipment and Supplies

#### Correction

In F.R. Doc. 44-15637, which appears at page 12242 of the issue for Tuesday, October 10, 1944, the following changes should be made:

- 1. Paragraph 3 in the first column of page 12252 and § 807.710 (a) (3) should be deleted.
- 2. Under the heading "Subpart D— Tax Exemption Certificate Forms and Procedure" the following should be inserted preceding Subpart E of Part 808 appearing on page 12252 in the middle column:

§ 808.830 State and local taxes. \* \* \* (c) When Form No. 1094 (or other appropriate certificate) executed under the conditions stated above, is received in the administrative office (Finance Department), the bureau or office number of the payment voucher will be noted on the certificate and the administrative office (Finance Department) will bill the State or local taxing agency for refund of the taxes paid. The amount(s) collected will be transmitted to the disbursing officer for credit to the appropriation(s) from which the vouchers were paid, or to miscellaneous receipts accounts, "4326-Refund, State and Local Taxes," if the appropriation cannot be readily identified. In the event the administrative office (Finance Department) fails to secure refund of the amount of taxes paid, it will transmit promptly to the General Accounting Office the tax exemption certificates, if available, together with all correspondence with the taxing agency relating thereto, and information as to the disbursing officer's voucher number on which payment for the merchandise was made, for use by the General Accounting Office in effecting collection thereof as required by section 236, Revised Statutes, as amended by the Budget and Accounting Act, 1921.

# TITLE 32—NATIONAL DEFENSE

# Chapter IX-War Production Board

AUTHORITY: Regulations in this chapter, unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 177; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended Dec. 31, 1943, 9 F.R. 64.

Part 1010—Suspension Orders
[Suspension Order S-639]
BOSSONG HOSIERY MILLS, INC.

Bossong Hosiery Mills, Inc., of Ashboro, North Carolina, is a corporation engaged in the manufacture of full-fashioned hosiery. Between April 1, 1942, and December 31, 1943, it filed with its suppliers 145 customers' certificates in all of which it set out its basic monthly poundage of consumption of raw silk and/or nylon during the first six months of 1941 at over 30,000 pounds, and in most of the certificates at 35,468 pounds. In fact, its basic monthly poundage of

consumption during the first six months of 1941 was 19,575 pounds. Between April 1, 1942, and December 31, 1943, as a result of these misrepresentations, it ordered and obtained delivery of 98,553 pounds of reserve domestic rayon in excess of its current eligibility for that period as permitted under Supplementary Order M-37-c and General Preference Order M-37-d. The responsible officers of Bossong Hosiery Mills, Inc., were ·aware of Supplementary Order M-37-c and General Preference Order M-37-d. and its violations were wilful. During the period in which the violations occurred there existed, and still exists, a shortage in the supply of rayon for defense, for private account and for export.

These violations of Supplementary Order M-37-c and General Preference Order M-37-d have interfered with the controls established by the War Production Board for the allocation of critical materials and have diverted critical materials to uses not authorized by the War Production Board, and have hampered and impeded the war effort of the United States of America. In view of the foregoing, it is hereby ordered, that:

§ 1010.639 Suspension Order S-639. (a) The basic monthly poundage for Bossong Hosiery Mills, Inc., under General Preference Order M-37-d (as amended from time to time) is hereby determined and established at 19,575 pounds and, unless hereafter otherwise specifically authorized in writing by the War Production Board, Bossong Hosiery Mills, Inc., its successors or assigns, from the date of issuance of this order, in computing its normal current monthly eligibility under paragraph (b) of this suspension order, and in ordering or accepting delivery of reserve domestic yarn, as defined in or governed by General Preference Order M-37-d (as amended from time to time) shall use a basic monthly poundage of 19,575 pounds.

(b) During the period from November 1, 1944, to September 1, 1945, unless hereafter otherwise specifically authorized in writing by the War Production Board, the normal current monthly eligibility of Bossong Hosiery Mills, Inc., its successors or assigns, as computed under the provisions of General Preference Order M-37-d, shall be and is hereby reduced by the amount of 9,855.3 pounds for each and every month during said period, and Bossong Hosiery Mills, Inc., its successors or assigns, shall not order or receive delivery of reserve domestic yarn, as defined in or governed by General Preference Order M-37-d (as amended from time to time), in excess of the current monthly eligibility as so reduced: Provided, however, That in the event Bossong Hosiery Mills, Inc., its successors or assigns, prior to September 1, 1945, shall have reduced its receipts of reserve domestic yarn by a total of 98,553 pounds under the amount permitted by its normal current monthly eligibility, its normal current monthly eligibility shall be restored.

(c) Nothing contained in this order shall be deemed to relieve Bossong Hosiery Mills, Inc., its successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 11th day of October 1944.

WAR PRODUCTION BOARD, By J. JOSEPH WHELAN, Recording Secretary.

[F. R. Doc. 44-15747; Filed, Oct. 11, 1944; 4:25 p. m.]

PART 1010—SUSPENSION ORDERS [Suspension Order S-640]

ROY L. LARSON

Roy L. Larson of Mora, Minnesota, in June 1943, without authorization from the War Production Board, began and thereafter carried on construction of a building consisting of a combination dance hall, roller skating rink, and tavern, on property owned by him and located on the shore of Fish Lake near Mora, Minnesota. The estimated cost of this construction was \$2,862.69 which amount exceeded the limit of \$200.00 permitted by Conservation Order L-41, and was in violation of that order. Roy L. Larson was aware of War Production Board restrictions on construction, and the beginning and carrying on of this construction without authorization constituted a negligent, if not wilful violation of Conservation Order L-41.

This violation of Conservation Order L-41 has diverted critical materials to uses not authorized by the War Production Board, and has hampered and impeded the war effort of the United States. In view of the foregoing, it is hereby ordered, that:

§ 1010.640 Suspension Order No. S-640. (a) Neither Roy L. Larson, his successors or assigns, nor any other person, shall do any construction on the premises owned by him and located on the shore of Fish Lake near Mora, Minnesota, including putting up or altering the structure, unless hereafter specifically authorized in writing by the War Production Board.

i (b) Nothing contained in this order shall be deemed to relieve Roy L. Larson, his successors or assigns, from any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 11th day of October 1944.

War Production Board, By J. Joseph Whelan, Recording Secretary.

[F. R. Doc. 44-15478; Filed, Oct. 11, 1944; 4:24 p. m.]

PART 1062—METALLIC LICENSE PLATES [General Limitation Order L-32, Revocation]

Section 1062.1 General Limitation Order L-32 restricting the issuance and use of metallic license plates by governmental units is hereby revoked.

This revocation does not affect any liabilities incurred under the order. The issuance and use of metallic license plates by governmental units remains subject to all other applicable regulations and orders of the War Production Board.

Issued this 12th day of October 1944.

War Production Board, By J. Joseph Whelan, Recording Secretary.

[F. R. Doc. 44-15756; Filed, Oct. 12, 1944; 11:10 a. m.]

PART 1062—METALLIC LICENSE PLATES [Supplementary Limitation Order L-32-a, Revocation]

Section 1062.2 Supplementary Limitation Order L-32-a restricting the production of 1944 license plates by or for governmental units and the issuance of 1944 license plates by governmental units is hereby revoked.

This revocation does not affect any liabilities incurred under the order. The issuance and use of metallic license plates by governmental units remains subject to all other applicable regulations and orders of the War Production Board.

Issued this 12th day of October 1944.

WAR PRODUCTION BOARD, By J. JOSEPH WHELAN, Recording Secretary.

[F. R. Doc. 44-15757; Filed, Oct. 12, 1944; 11:10 a. m.]

# PART 3270-CONTAINERS

[Conservation Order M-81 as Amended Sept. 22, 1944, Amdt. 1]

#### CANS

Section 3270.31 Conservation Order M-81 is amended as follows:

Paragraph (c) of the note to Schedule III is hereby deleted.

Issued this 12th day of October 1944.

WAR PRODUCTION BOARD, By J. JOSEPH WHELAN, Recording Secretary.

[F. R. Doc. 44-15762; Filed, Oct. 12, 1944; 11:10 a. m.]

# PART 3270—CONTAINERS

[Conservation Order M-81, Revocation of Direction 3]

LIMITATION OF COMBINED PACK IN CANS AND GLASS CONTAINERS

Direction 3 to Conservation Order M-81 issued June 8, 1944, is hereby revoked. This-revocation does not affect any liabilities incurred under the order. The lifting of quotas for glass containers under Order L-103-b has made this direction unnecessary.

Issued this 12th day of October 1944.

WAR PRODUCTION BOARD, By J. JOSEPH WHELAN, Recording Secretary.

[F. R. Doc. 44-15763; Filed, Oct. 12, 1944; 11:10 a. m.]

PART 3287—GOVERNMENT SERVICES
[Supplementary Limitation Order L-32-b
Revocation]

# METALLIC LICENSE PLATES

Section 3287.3 Supplementary Limitation Order L-32-b restricting the production of 1945 license plates by or for governmental units and the issuance of 1945 license plates by governmental units is hereby revoked.

This revocation does not affect any liabilities incurred under the order. The issuance and use of metallic license plates by governmental units remains plates by governmental units remains united to all other applicable regulations and orders of the War Production Board.

Issued this 12th day of October 1944.

War Production Board, By J. Joseph Whelam, Recording Secretary.

[F. R. Doc. 44-15758; Filed, Oct. 12, 1944; 11:10 a. m.]

PART 3288—PLUMBRIG AND HEATING EQUIPMENT

[Limitation Order L-74, as Amended Oct. 12, 1944]

#### OIL BURNERS

Section 3288.71 Limitation Order L-74 is hereby amended to read as follows:

The fulfillment of requirements for the defense of the United States has created a shortage of materials used in the manufacture of oil burners for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3288.71 General Limitation Order L-74—(a) Definitions. For the purpose of this order:

(1) "Oil burner" means any device which is designed for burning fuel oil for furnishing heat. It includes, but is not limited to the following types:

 Mechanical, steam or air atomizer oil burner.

(ii) Vertical or horizontal rotary oil burner.

(iii) Mechanical vaporizing oil burner.(iv) Pot type vaporizing oil burner.

It shall include any oil burner for any boiler burner unit or for any furnace burner unit, any oil burner used as part of any water heater and any combination oil and gas burner, but does not include any oil burner used as a part of any domestic cooking appliance or of any domestic heating stove as defined in L-23-c, or any oil burner used in connection with any locomotive scheduled under L-97, or any oil burner used as a part of any commercial cooking and food and plate warming equipment as defined in L-182.

(2) "Class B oil burner" means any oil burner which is designed by the producer or approved by the Underwriters Laboratories to burn No. 1, No. 2, No. 3 or No. 4 fuel oil, but does not include any oil burner specifically designed or manufactured for shipboard use.

(3) "New installation" means the installation of an oll burner in a new heating plant or in an existing heating

plant as a conversion from any other fuel.

(b) Restrictions on production. (1) No person shall manufacture, fabricate or assemble any Class B oil burner except:

(1) To fill an order which has been approved on Form WPB-1319 (approvals on Form WPB-1319 will not be given after November 12, 1944):

after November 12, 1944);
(ii) To produce Class B burners approved on appeal prior to August 29,

1944;

(iii) To produce Class B burners authorized under Priorities Regulation 25; or

(iv) As authorized by the War Production Board on Form GA-1850.

(2) The restrictions of paragraph (b) (1) do not apply to the production of repair and replacement parts, but no person shall produce repair or replacement parts in excess of the quantity required to maintain a minimum practicable working inventory.

(3) A person wishing to obtain authorization on Form GA-1850 to produce Class B oil burners should apply for authorization by letter, addressed to the nearest field office of the War Production Board, Ref: L-74. This letter should state the proposed production in units per quarter. Before sending this letter the applicant should consult his War Production Board field office regarding the necessity for submitting Form WPB-3320. Limited production will be authorized on those applications where the applicant's proposed use of labor will not interfere with local or inter-regional re-cruitment of labor. Where the applicant will need controlled materials in order to produce the equipment, the letter requesting authorization should be accompanied by an application on Form CMP-4B for the controlled materials. It will be the policy of the War Production Board to authorize the production of oil burners in an amount equal to approximately 40% of the production during 1941. Generally, no manufacturer will be authorized to produce more than his pro rata share of such production except to the extent that other manufacturers, because of shortage of manpower or facilities, cannot be authorized their full share. Letters will be sent to each known manufacturer indicating the approximate amount of production that will be authorized for him under this policy, and applications from new manufacturers will also be accepted and authorized on an equitable basis.

(c) Restrictions on sale and installation. No person shall sell to, or install for, an ultimate consumer any oil burner except:

(1) To replace an oil burner which is worn out, damaged beyond practical repair or destroyed; or

(2) To make a new installation where the use of oil for that particular installation has been approved by either the Petroleum Administration for War or the Office of Price Administration depending on which agency has jurisdiction over the use of fuel oil for the installation in question.

(d) Distribution. (1) It is the policy of the War Production Board to have each manufacturer distribute his production, within the limitations of para-

graph (c), through his normal distribution channels, taking into consideration shipments to areas during 1941, migration of workers to certain areas, and such other factors as will provide equitable distribution to meet essential needs. The War Production Board may direct the distribution of specified amounts from any manufacturer's production to meet emergencies.

(e) Exceptions and appeals—(1) Production under Priorities Regulation 25. Any person who wants to manufacture, fabricate or assemble more Class B burners than he has been authorized to make on Form GA-1850 (including a person who has no authorization) may apply for authorization to do so as explained in Priorities Regulation 25. He may still, of course, apply for authorization under paragraph (b) (3) if he desires.

(2) Appeals. Any appeal from the provisions of this order other than the restrictions of paragraph (b) (1) should be filed on Form WPB-1477, with the field office of the War Production Board for the district in which is located the plant or branch of the appealant to which the appeal relates. No appeals should be filed from the restrictions of paragraph (b) (1).

(f) Applicability of regulations. All persons and transactions affected by this order are subject to all applicable provisions of the regulations of the War Production Board, as amended from time to time.

(g) Communications. All communications concerning this order, except appeals, shall, unless otherwise directed, be addressed to the War Production Board, Plumbing and Heating Division, Washington 25, D. C., Ref: L-74.

(h) Violations. Any person who will-fully violates any provision of this order, or who, in connection with this order willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

Issued this 12th day of October 1944.

War Production Board, By J. Joseph Whelan, Recording Secretary.

[F. R. Doc. 44-15759; Filed, Oct. 12, 1944; 11:10 a. m.]

PART 3296—SAFETY AND TECHNICAL EQUIPMENT

[Limitation Order L-114, Revocation]

Section 3296.31 General Limitation Order L-114 is hereby revoked. This revocation does not affect any liabilities incurred under the order. The manufacture and delivery of saftey and technical equipment remain subject to all

other applicable regulations and orders of the War Production Board.

Issued this 12th day of October 1944.

WAR PRODUCTION BOARD, By J. JOSEPH WHELAN, Recording Secretary,

[F. R. Doc. 44-15760; Filed, Oct. 12, 1944; 11:10 a. m.]

PART 3296—SAFETY AND TECHNICAL EQUIPMENT

[General Limitation Order L-259, as Amended Oct. 12, 1944]

#### PHYSICAL THERAPY EQUIPMENT

The fulfillment of requirements for the defense of the United States has created a shortage in the supply for defense, for private account and for export of the materials entering into the manufacture of physical therapy equipment; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3296.86 General Limitation Order L-259—(a) Definitions. For the purposes of this order:

(1) "Physical therapy equipment" means apparatus, equipment, devices and appliances designed to produce, generate, apply or administer spectral rays (except X-rays), electrical currents, mechanical stimuli, heat, refrigerants, liquids, gases or vapors to man or other animals in a manner designed to produce therapeutic effect or to destroy body tissue. The term shall include only the following articles, as each is hereinafter defined: medical diathermy units; surgical diathermy units; fever cabinets; infra-red generators; galvanic generators; faradic generators; sinusoidal generators; low voltage generators; magnetic field generators; whirlpool baths; electric massagers; bath cabinets; passive vascular exercise apparatus; baldness treatment devices: ultra-violet radiation equipment; electric bakers; and heat applicators. The term shall not include any parts or materials for the repair or maintenance of existing equipment.

(2) "Medical diathermy unit" means any instrument designed to produce heat for therapeutic purposes within the body tissues by means of a high frequency electric current generated by a spark gap or a vacuum tube type of oscillator. The term shall include "conventional" or long wave diathermy, short wave diathermy, and ultra short wave diathermy.

(3) "Surgical diathermy unit" means a diathermy unit employing a high frequency electric current which is designed for the performance of surgical procedures by cutting, coagulation and/or dessication and which is not adaptable for medical diathermy treatment.

(4) "Fever cabinet" means a cabinet or bag designed to induce fever artificially by radiant or induced heat.

(5) "Infra-red generator" means a device consisting essentially of a heating element centered in a spherical, parabolic

or similar concave reflector, which radiates infra-red rays and which is designed to produce therapeutic effect. The heating element may be either an incandescent bulb, a carbon, or a radiant cone, coil or disc.

(6) "Galvanic generator" means a generator designed to deliver and apply direct current (galvanic current) to the body tissues or to deposit the ions of certain salts in solution into the body tissues.

(7) "Faradic generator" means a generator designed to deliver and apply induced electric current (faradic current) to the body tissues.

(8) "Sinusoidal generator" means a generator designed to deliver and apply sinusoidal current to the body tissues.

(9) "Low voltage generator" means a generator designed to deliver and apply two or all three of the following currents to the body tissues: faradic, galvanic and sinusoidal.

(10) "Magnetic field generator" means a device designed to produce therapeutic effect by creating a magnetic field in the body tissues. However, the term does not include "medical diathermy units" or "surgical diathermy units".

(11) "Whirlpool bath" means a container designed to circulate thermally controlled liquids around portions of the body to produce therapeutic effect. The term shall include, but not by way of limitation, arm and leg baths and underwater exercise tanks.

(12) "Passive vascular exercise apparatus" means apparatus designed to apply alternating negative and positive pressures to portions of the body, but the term shall not include "iron lungs" nor baldness treatment devices.

(13) "Baldness treatment device" means any device or equipment designed to check or treat baldness by applying alternating negative and positive pressures to the scalp.

(14) "Ultra-violet radiation equipment" means any generator designed to generate ultra-violet spectral energy to produce therapeutic effect. The term shall include both the carbon are and quartz mercury types of generators.

quartz mercury types of generators.
(15) "Electric massager" means any device which is designed to massage the human body and which utilizes an electric motor, electronic tubes, oscillating tubes, or any combination thereof. The term shall include, but not by way of limitation, electric vibrators and reducing machines.

(16) "Bath cabinet" means a cabinet or box designed to enclose the body for the purpose of administering either moist or dry heat.

(17) "Electric baker" means a device designed for local and general application of radiant heat which utilizes a roof-like reflector and two or, more incandescent light bulbs or electric heating elements, or in some cases both incandescent bulbs and electric heating elements.

(18) "Heat applicator" means any device, appliance or equipment which utilizes liquids, air, or any other substance

or material and which is designed to apply heat to the body for fherapeutic purposes, other than medical diathermy units, surgical diathermy units, fever cabinets, infra-red generators, whirl-pool baths, paraffin baths; therapeutic lamps, bath cabinets, electric bakers, hot water bottles and chemical bags, and accessories used in connection with such articles.

(19) "Hospital" means any institution named on the list of hospitals listed by the American Medical Association, or any other institution for the care of the sick and disabled which has five or more

beds for patients.

(20) "Licensed medical practitioner" means any person located in the United States, its territories or possessions, or the Dominion of Canada who is licensed by the competent legal authority to practice medicine or any of the healing arts and whose license permits him to use physical therapy equipment in his practice.

(21) "Persons" means any individual, partnership, association, business trust, corporation; governmental corporation or agency, or any organized group of persons whether incorporated or not

persons whether incorporated or not.
(22) "Distributor" means any person located in the United States, its territories or possesions, or the Dominion of Canada, who purchases physical therapy equipment solely for the purpose of resale without further fabrication.

(b) Restrictions on the manufacture of physical therapy equipment. No person shall manufacture or continue the manufacture of any physical therapy equipment except the permitted items listed on Schedule A, attached hereto.

(c) Restrictions on sale and delivery of physical therapy equipment. (1) No person shall sell, rent or deliver any fever cabinet, galvanic generator, low voltage generator, magnetic field generator, medical diathermy unit, passive vascular exercise apparatus, surgical diathermy unit, whirlpool bath, or bath cabinet, except to or for the account of the following persons:

(i) The Army or Navy of the United States, the Veterans Administration, the United States Maritime Commission and the War Shipping Administration;

(ii) Any agency of the United States Government for delivery to or for the account of the government of any country pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act);

(iii) Any person to whom an export license covering the specific equipment has been issued by the Office of Economic Warfare or the Foreign Economic Ad-

ministration;

(iv) Any hospital (as defined in paragraph (a) (19)), or any medical department of an industrial concern, for the use of such hospital or medical department;

(v) Any licensed medical practitioner (as defined in paragraph (a) (20)), for use in practicing his profession:

(vi) Any distributor, for delivery to persons to whom delivery is authorized to be made by the terms of this paragraph (c) (1).

(2) No person shall sell, rent or deliver any electric baker, infra-red generator, or ultra-violet radiation equipment, except to or for the account of:

(i) Any person listed in paragraphs (i) through (v) of paragraph (c) (1)

above;

(ii) Any person who presents a written order or prescription, signed by a licensed medical practitioner, calling for such equipment; or

(iii) Any distributor, for delivery to persons to whom delivery is authorized to be made by the terms of this para-

graph (c) (2).

(3) The restrictions of paragraphs (c) (1) and (c) (2) shall not apply to the sale, delivery or rental of rebuilt equipment or any equipment which has at any time been sold to an ultimate user. The restrictions do apply, however, to the sale, delivery or rental of equipment which has previously been rented but not sold.

(d) Restriction on the purchase of physical therapy equipment. No person shall purchase, rent or accept delivery of any physical therapy equipment, if he knows or has reason to believe that the sale, rental and delivery of such physical therapy equipment is prohibited by the terms of paragraph (c) of this order.

(e) Reports. On or before July 10, 1944, and on or before each October 10th, January 10th, April 10th and July 10th thereafter, each manufacturer of electric bakers, infra-red generators, or ultra-violet radiation equipment shall file with the War Production Board, Washington 25, D. C., 3 copies of a letter containing a report of shipments of these items made during the preceding calendar quarter. (The first report should show the shipments made from April 7. 1944, to July 1, 1944.) Shipments should be reported by dollar value, and dollar values should be calculated on the basis of the manufacturer's list price. One total figure should be given for shipments of electric bakers, infra-red generators and ultra-violet radiation equipment, and a separate figure for shipments of each of these items is not required. Shipments to the Army and Navy of the United States, the Veterans Administration, the United States Maritime Commission, the War Shipping Administration and Lend-Lease should not be included in the figure. (This reporting, requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.)

(f) Records. All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(g) Violations. Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime and upon conviction may be punished by fine or imprison-

ment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(h) Appeals. Any appeal from the provisions of this order shall be made by filling a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(1) Applicability of regulations. This order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board as amended from time

to time.

(j) Correspondence. Reports to be filed and other communications concerning this order shall be addressed to the War Production Board, Safety and Technical Equipment Division, Washington 25, D. C., Ref.: L-259.

Issued this 12th day of October 1944.

WAR PRODUCTION BOARD, By J. JOSEPH WHELAN, Recording Secretary.

#### SCHEDULE A

In accordance with the provisions of paragraph (b) of this order, no person is permitted to manufacture any physical therapy equipment except the items listed in this chedule.

Bath cabinet.
Electric baker.
Fever cabinet.
Galvanic generator.
Infra-red generator.
Low voltage generator.
Magnetic field generator.
Medical diathermy unit.
Pacaive vaccular exercise apparatus.
Surgical diathermy unit.
Uitra-violet radiation equipment.
Whirlpool bath (No metal other than sheet carbon steel, enameled, or alloy steel is permitted in the construction of the tank bady).

[F. R. Doc. 44-15761; Filed, Oct. 12, 1944; 11:10 a. m.]

### Chapter XI—Office of Price Administration

PART 1499—COMMODITIES AND SERVICES [Order 108 Under 3 (b), Amdt. 6]

#### SELLERS OF HIGH WINES

For the reasons set forth in an opinion issued simultaneously herewith, § 1499.972 (c) is amended by adding the following sentences at the end thereof:

The Office of Price Administration may adjust any prices which, in the judgment of the Administrator, appear to be unreasonable and excessive in the light of the past and current experience of the particular plant, after giving due recognition to legitimate causes of cost differences. For any calendar quarter in which a distiller suspends production of high wines for the United States or any agency thereof to produce distilled spirits for private account, the Office of Price Administration shall apply such rules as

may be necessary, and in accordance with recognized accounting procedure, to secure an equitable apportionment of the costs, including shutdown costs and general and administrative expenses, as between alcohol produced for the Government and alcohol produced for private account.

This amendment shall become effective October ,11, 1944.

Issued this 11th day of October 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-15741; Filed, Oct. 11, 1944; 3:57 p. m.]

PART 1307—RAW MATERIALS FOR COTTON . TEXTILES

[RPS 7, Amdt. 14]

COMBED COTTON YARNS AND THE PROCESSING THEREOF

#### Correction

In F. R. Doc. 44-13049, appearing at page 10636 of the issue for Thursday, August 31, 1944, the following changes should be made in § 1307.12:

should be made in § 1307.12:
In paragraph (c) (2), the eighth yarn number in the table headed "Plied Twist" should be: "91s to 100s."

In Table III, the last three figures under "Gassing" should read: "7, 8, 9", respectively.

# PART 1385—NAVAL STORES [MPR 561, Amdt. 1]

#### GUM ROSIN

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Section 11 (a) of Maximum Price Regulation No. 561 is amended to read as follows:

(a) Sales on the Savannah, Georgia, Cotton and Naval Stores Exchange. Maximum prices for sales of gum rosin on the Savannah, Georgia, Cotton and Naval Stores Exchange shall be:

	Per 100 pounds		
	net in drums on		
Grade:	Yard, Savannah, Ga.		
X	\$6.55		
ww	6.55		
WG	6.28		
N	6.03		
M	5.87		
K	5.85		
I	5.81		
H	5.81		
G	5.79		
F	5. 75		
E	5.65		
D	5.12		
В	5.05		

This amendment shall become effective October 11, 1944.

Issued this 11th day of October 1944.

James G. Rogers, Jr., Acting Administrator.

Approved: September 20, 1944.

GROVER B. HILL, First Assistant War Food Administrator.

[F. R. Doc. 44-15744; Filed, Oct. 11, 1944; 3:56 p. m.]

# PART 1412—SOLVENTE [MPR 295,1 Amdt. 9]

#### WEST COAST ETHYL ALCOHOL

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Section 1412.165 (g) (2) is amended by adding the following sentences at the end thereof:

The Office of Price Administration may adjust any prices which, in the judgment of the Administrator, appear to be unreasonable and excessive in the light of the past and current experience of the particular plant after giving due recognition to legitimate causes of cost differences. For any calendar quarter in which a distiller suspends production of alcohol for the United States or any agency thereof to produce distilled spirits for private account, the Office of Price Administration shall apply such rules as may be necessary, and in accordance with recognized accounting procedure, to secure an equitable apportionment of the costs, including shutdown costs and general and administrative expenses, as between alcohol produced for the Government and alcohol produced for private account.

This amendment shall become effective October 11, 1944.

Issued this 11th day of October 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-15743; Filed, Oct. 11, 1944; 3:56 p. m.]

# PART 1412—SOLVENTS [MPR 28, Amdt. 9]

ETHYL ALCOHOL (EXCLUDING WEST COAST ETHYL ALCOHOL)

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Maximum Price Regulation 28 is amended in the following respects:

1. The following sentence is added to § 1412.263 (h) (2):

However, for any calendar quarter after June 30, 1944 in which a plant

2668, 3330, 4198, 4883.

suspends production of alcohol for the Defense Supplies Corporation to produce distilled spirits for private account or for reasons connected therewith, the average per gallon margin of profit included in the settlement for that quarter shall not exceed that received during the preceding quarter for production at that plant for Defense Supplies Corporation.

2. The following sentences are added to § 1412.263 (h) (3):

The Office of Price Administration may adjust any prices which in the judgment of the Administrator appear to be unreasonable and excessive in the light of the past and current experience of the particular plant, after giving due recognition to legitimate causes of cost differences. For any calendar quarter in which a distiller suspends production of alcohol for the Defense Supplies Corporation to produce distilled spirits for private account, the Office of Price Administration shall apply such rules as may be necessary, and in accordance with recognized accounting procedure, to secure an equitable apportionment of the costs, including shut down costs and general and administrative expenses, as between alcohol produced for Defense Supplies Corporation and alcohol produced for private account.

This amendment shall become effective October 11, 1944.

Issued this 11th day of October 1944.

CHESTER BOWLES, Administrator.

[F. R. Doc. 44-15742; Filed, Oct. 11, 1944; 3:56 p. m.]

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 426, Amdt. 62]

FRESH FRUITS AND VEGETABLES FOR TABLE USE, SALES EXCEPT AT RETAIL

A statement of the considerations involved in the issuance of this amendment has been issued and filed with the Division of the Federal Register.\*

- 1. In Appendix I of section 15, paragraph (f) (4) (i) is amended to read as follows:
- (i) The maximum price in each case for sales by secondary jobbers on a delivered basis is the maximum delivered price named in Column 6 of the applicable table in paragraph (c) plus the markup named in Column 11 of the table in paragraph (d). However, for sales of goods which secondary jobbers have purchased at auction, ex car, dock, truck or terminal sales platform the

<sup>\*</sup>Copies may be obtained from the Office of Price Administration.

<sup>&</sup>lt;sup>1</sup>9 F.R. 11635.

<sup>&</sup>lt;sup>1</sup>7 FR. 11115; 8 FR. 129, 2599, 4930, 15431; 9 FR. 2668, 2330, 4198.

<sup>9</sup> F.R. 2668, 3330, 4198. 28 F.R. 2339, 4256, 4852, 8016, 12879; 9 F.R.

<sup>&</sup>lt;sup>1</sup>8 F.R. 16409, 16294, 16519, 16423, 17372; 9 F.R. 790, 902, 1581, 2008, 2023, 2091, 2493, 4030, 4086, 4088, 4434, 4786, 4787, 4877, 5926, 5929, 6104, 6108, 6420, 6711, 7259, 7268, 7434, 7425, 7580, 7583, 7759, 7774, 7834, 8148, 9060, 9090, 9289, 9356, 9509, 9512, 9549, 9785, 9806, 9897, 10192, 10192, 10409, 10877, 10777.

maximum price shall be figured by adding, instead of the markup named in Column 11, the markup named in Column 9 plus the difference between the markups named in Columns 10 and 11. "Delivered" means delivered to the buyer's premises within the free delivery zone and, in the case of retailers, delivered to the retail store.

2. Appendix J of section 15 is amended in the following respects:

a. The definition of "primary receiver" in paragraph (g) (2) is amended to read as follows:

"Primary receiver" means a person who for his own account and profit buys the particular deciduous tree fruit being priced, (1) in unbroken carlots or trucklots from any person of (2) in any quantity from a primary seller selling either direct or through any agent (except a commission merchant or auction in lessthan-carlots or less-than-trucklots), for resale in less-than-carlots or less-thantrucklots to persons other than ultimate consumers.

- b. Paragraph (g) (4) (i) is amended to read as follows:
- (i) For sales by secondary jobbers of deciduous tree fruit on a "delivered" basis, the maximum price in each case is the maximum delivered price named in Column 6 of the applicable table in paragraph (d) plus the markup named in Column 7 of Table B in paragraph (e). However, for sales of goods which secondary jobbers have purchased at auction, ex car, dock, truck or terminal sales platform the maximum price shall be figured by adding, instead of the markup named in Column 7 of Table B, the markup named in Column 5 plus the difference between the markups named in Columns 6 and 7. "Delivered" means delivered to the buyer's premises (in the case of a retailer, delivered to the retail store where resale is made to ultimate consumers) within the free delivery zone.
- c. The definition of "secondary jobber" in paragraph (g) (4) is amended to read as follows:

"Secondary jobber" means a person other than a retailer who for his own account and profit purchases the kind of deciduous tree fruit being priced in lessthan-carlots or less-than-trucklots from a primary receiver or from any seller through a commission merchant or auction, for resale in any quantity.

- 3. Appendix K of section 15 is amended in the following respects:
- a. The definition of "primary receiver" in paragraph (m) (2) is amended to read as follows:

"Primary receiver" means a person, other than a service wholesaler, who for his own account and profit buys the particular fruit being priced, (i) in unbroken carlots or unbroken trucklots from any person, or (ii) in any quantity

from a grower, grower-packer or shipping point distributor selling either direct or through any agent (except a commission merchant or auction in lessthan-carlots or less-than-trucklots), for resale in-less-than-carlots or less-thantrucklots to persons other than ultimate - before the word "perforations." consumers.

- b. Paragraph (m) (4) (i)-is amended to read as follows:
- (i) For sales by secondary jobbers of fruit-on a "delivered" basis, the maximum price in each case is the maximum delivered price named in Column 6 of the applicable table in paragraph (f) plus the markup named in Column 7 of Table B in paragraph (g). However, for sales of goods which secondary jobbers have purchased at auction, ex car, dock, truck or terminal sales platform, the maximum price shall be figured by adding, instead of the markup named in Column 7 of Table B, the markup named in Column 5 plus the difference between the markups named in Columns 6 and 7. "Delivered" means delivered to the buyer's premises (in the case of a retailer, delivered to the retail store where resale is made to ultimate consumers) within the free delivery zone.
- c. The definition of "secondary jobber" in paragraph (m) (4) is amended to read as follows:

"Secondary jobber" means a person other than a retailer who for his own account and profit purchases the particular fruit being priced in less-thancarlots or less-than-trucklots from (i) a primary receiver, or (ii) any person selling through a commission merchant or auction, for resale in any quantity.

This amendment shall become effective at 12:01 a.m., October 13, 1944.

Issued this 11th day of October 1944.

CHESTER BOWLES. Administrator.

Approved: October 7, 1944. GROVER B. HILL. Acting War Food Administrator.

[F. R. Doc. 44-15727; Filed, Oct. 11, 1944; 11:37 a. m.]

PART 1351-FOOD AND FOOD PRODUCTS [RMPR 279, Corr. to Amdt. 31]

HOPS

In Table I of section 3 (d) and Table II of section 3 (f) the term "20 percent" contained in the footnote to each table is corrected to read "19 percent".

Issued this 12th day of October 1944.

CHESTER BOWLES. Administrator.

[F. R. Doc. 44-15779; Filed, Oct. 12, 1944; 11:43 a. m.]

19 F.R. 10922.

PART 1351-FOOD AND FOOD PRODUCTS [RMPR 335,1 Corr. to Amdt. 5]

PEANUTS AND PEANUT BUTTER

Section 2 paragraphs (e) and (f) are corrected by deleting the word "round"

Issued this 12th day of October 1944.

CHESTER BOWLES, Administrator.

[F. R. Doc. 44-15780; Filed, Oct. 12, 1944; 11:43 a. m.]

PART 1364-FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS [MPR 364,2 Corr. to Amdts. 1-20]

PROZEN FISH AND SEAFCOD

In the compilation of Maximum Price Regulation No. 364 the following correction is made:

In the table of base prices in section 13, Schedule No. 19 (Mackerel, Spanish), the word "round" appearing opposite Item No. 1 and Item No. 2 under the heading "Style of processing" is corrected to read "gutted".

Issued this 12th day of October 1944.

CHESTER BOWLES. Administrator.

[F. R. Dec. 44-15781; Filed, Oct. 12, 1944; 11:43 a. m.]

PART 1388—DEFETISE-RENTAL AREAS [Hotels and Rooming Houses,\*, Amdt. 34]

SECURITY DEFOSITS

Section 2 (c) of the Rent Regulation for Hotels and Rooming Houses is amended to read as follows:

- (c) Security deposits—(1) General prohibition. Regardless of any contract, agreement, lease or other obligation heretofore or hereafter entered into, no person on or after September 1, 1944, shall demand or receive a security deposit for or in connection with the use or occupancy of any room in a hotel or rooming house within the Dafense-Rental Area or retain any security deposit received prior to or on or after September 1, 1944, except as provided in this paragraph (c). The term "security deposit," in addition to its customary meaning, includes any prepayment of rent except payment in advance of the next periodic installment of rent for a period no longer than one month.
- (2) Maximum rent established under section 4 (a). Where the maximum rent of the housing accommodations is or initially was established under section 4 (a). no security deposit shall be demanded, received, or retained except in the

<sup>&</sup>lt;sup>1</sup>8 PR. 2502, 3705, 6834, 10264, 10387, 12445, 14652; 9 PR. 10263, 11712.

<sup>&</sup>lt;sup>2</sup>9 F.R. 11065, 11273. 9 F.R. 11322.

amount (or any lesser amount) and on the same terms and conditions (or on terms and conditions less burdensome to the tenant) provided for in the lease or other rental agreement in effect on the date determining the maximum rent.

- (3) Maximum rent established under section 4 (b) or (c)—(i) Renting prior to effective date of regulation. the maximum rent of the housing accommodations is or initially was established under section 4 (b) or (c) by a renting prior to the effective date of regulation, no security deposit shall be demanded, received or retained except in the amount (or any lesser amount) and o: the same-terms and conditions (or on terms and conditions less burdensome to the tenant) provided for in the lease or other rental agreement under which the accommodations were first rented or in any order heretofore or hereafter issued with reference to such security deposit. Where such lease or other rental agreement provided for a security deposit, the Administrator at any time, on his own initiative or on application of the tenant. may order a decrease in the amount of such deposit or may order its elimination.
- (ii) Renting on or after effective date of regulation. Where the maximum rent of the housing accommodations is or initially was established under section 4 (b) or (c) by a renting on or after the effective date of regulation no security deposit shall be demanded or received.
- (4) Maximum rent established under section 4 (d) or (f). Where the maximum rent of the housing accommodations is or initially was established under section 4 (d) or (f), no security deposit shall be demanded or received, except in the amount (or any lesser amount) and on the same terms and conditions (or on terms and conditions less burdensome to the tenant) as provided in the lease or other rental agreement in effect on September 1, 1944. Where such accommodations are first rented after September 1, 1944, no security deposit shall be demanded, received, or retained.
- (5) Deposits to secure the return of certain movable articles. Notwithstanding the preceding provisions of this paragraph (c), any landlord may petition for an order authorizing the demand and receipt of a deposit to secure the return of movable articles. If the landlord shows that he has a special need therefor, the Administrator may enter an order authorizing a security deposit, not in excess of ten dollars to secure the return of the movable articles specified in the order.

This regulation shall become effective October 12, 1944.

Note: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 12th day of October 1944.

CHESTER BOWLES,

Administrator.

[F. R. Doc. 44-15794; Filed, Oct. 12, 1944; 11:48 a. m.]

PART 1388—DEFENSE-RENTAL AREAS [Housing, Amdt. 37]

SECURITY DEPOSITS

Section 2 (d) of the Rent Regulation for Housing is amended to read as follows:

- (d) Security deposits—(1) General prohibition. Regardless of any contract, agreement, lease or other obligation heretofore or hereafter entered into, no person on or after September 1, 1944 shall demand or receive a security deposit for or in connection with the use or occupancy of housing accommodations within the Defense-Rental Area or retain any security deposit received prior to or on or after September 1, 1944 except as provided in this paragraph (d). The term "security deposit," in addition to its customary meaning, includes any prepayment of rent except payment in advance of the next periodic installment of rent for a period no longer than one month.
- (2) Maximum rent established under section 4 (a) or (b). Where the maximum rent of the housing accommodations is or initially was established under section 4 (a) or (b), no security deposit shall be demanded, received, or retained except in the amount (or any lesser amount) and on the same terms and conditions (or on terms and conditions less burdensome to the tenant) provided for in the lease or other rental agreement in effect on the date determining the maximum rent established under section 4 (a) or (b).
- (3) Maximum rent established under section 4 (c) or (d). Where the maximum rent of the housing accommodations is or initially was established under section 4 (c) or (d) no security deposit shall be demanded, received, or retained except in the amount (or any lesser amount) and on the same terms and conditions (or on terms and conditions less burdensome to the tenant) provided for in the lease or other rental agreement under which the accommodations were first rented or in any order heretofore or hereafter issued with reference to such security deposit. Where such lease or other rental agreement provided for a security deposit, the Administrator at any time, on his own initiative or on application of the tenant, may order a decrease in the amount of such deposit or may order its elimination.
- (4) Maximum rent established under section 4 (e) or (j). Where the maximum rent of the housing accommodations is or initially was established under section 4 (e) or (j), no security deposit shall be demanded or received.
- (5) Maximum rent established under section 4 (f). Where the maximum rent of the housing accommodations is or initially was established under section 4 (f), no security deposit shall be demanded, received, or retained.
- (6) Maximum rent established under section 4 (g) or (h). Where the maximum rent of the housing accommoda-

(7) Deposits to secure the return of certain movable articles. Notwithstanding the preceding provisions of this paragraph (d), any landlord may petition for an order authorizing the demand and receipt of a deposit to secure the return of movable articles. If the landlord shows that he has a special need therefor, the Administrator may enter an order authorizing a security deposit, not in excess of ten dollars, to secure the return of the movable articles specified in the order.

This amendment shall become effective October 12, 1944.

Note: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 12th day of October 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-15795; Filed, Oct. 12, 1944; 11:48 a. m.]

 PART 1388—DEFENSE-RENTAL AREAS
 [Hotels and Rooming Houses in the Miami Area, Amdt. 9]

#### SECURITY DEPOSITS

Section 2 (c) of the Rent Regulation for Hotels and Rooming Houses in the Miami Defense-Rental Area is amended to read as follows:

- (c) Security deposits—(1) General prohibition. Regardless of any contract, agreement, lease or other obligation heretofore or hereafter entered into, no person on or after September 1, 1944 shall demand or receive a security deposit for or in connection with the use or occupancy of any room in a hotel or rooming house within the Defense-Rental Area or retain any security deposit received prior to or on or after September 4, 1944 except as provided in this paragraph (c). The term "security deposit," in addition to its customary meaning, includes any prepayment of rent except payment in advance of the next periodic installment of rent for a period no longer than one month.
- (2) Maximum rent established under section 4 (a). Where the maximum rent of the housing accommodations is or initially was established under section 4 (a), no security deposit shall be demanded, received, or retained except in the amount (or any lesser amount) and on

tions is or initially was established under section 4 (g) or (h), no security deposit shall be demanded or received, except in the amount (or any lesser amount) and on the same terms and conditions (or on terms and conditions less burdensome to the tenant) provided for in the lease or other rental agreement in effect on September 1, 1944. Where such accommodations are first rented after September 1, 1944, no security deposit shall be demanded, received, or retained.

<sup>&</sup>lt;sup>1</sup>8 F.R. 14043, 16033; 9 F.R. 5003, 8054, 9428, 10189, 10632.

<sup>&</sup>lt;sup>1</sup>9 F.R. 11335.

the same terms and conditions (or on terms and conditions less burdensome to the tenant) provided for in the lease or other rental agreement in effect on the date determining the maximum rent.

(3) Maximum rent established under section 4 (b) or (c)—(i) Renting prior to effective date of regulation. Where the maximum rent of the housing accommodations is or initially was established under section 4 (b) or (c) by a renting prior to the effective date of regulation, no security deposit shall be demanded, received, or retained except in the amount (or any lesser amount) and on the same terms and conditions (or on terms and conditions less burdensome to the tenant) provided for in the lease or other rental agreement under which the accommodations were first rented or in any order heretofore or hereafter issued with reference to such security deposit. Where such lease or other rental agreement provided for a security deposit, the Administrator at any time, on his own initiative or on application of the tenant, may order a decrease in the amount of such deposit or may order its elimination.

(ii) Renting on or after effective date of regulation. Where the maximum rent of the housing accommodations is or initially was established under section 4 (b) or (c) by a renting on or after the effective date of regulation, no security deposit shall be demanded or received.

(4) Maximum rent established under section 4 (d) or (f). Where the maximum rent of the housing accommodations is or initially was established under section 4 (d) or (f), no security deposit shall be demanded or received except in the amount (or any lesser amount) and on the same terms and conditions (or on terms and conditions less burdensome to the tenant) as provided in the lease or other rental agreement in effect on September 1, 1944. Where such accommodations are first rented after September 1, 1944, no security deposit shall be demanded, received, or retained.

(5) Deposits to secure the return of certain movable articles. Notwithstanding the preceding provisions of this paragraph (c), any landlord may petition for an order authorizing the demand and receipt of a deposit to secure the return of movable articles. If the landlord shows that he has a special need therefor, the Administrator may enter an order authorizing a security deposit, not in excess of ten dollars to secure the return of the movable articles specified in the order. o

This regulation shall become effective October 12, 1944.

Note: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 12th day of October 1944.

CHESTER BOWLES,

Administrator.

[F. R. Doc. 44-15791; Filed, Oct. 12, 1944; 11:47 a. m.]

PART 1388—DEFENSE-RENTAL AREAS [Hotels and Rooming Houses in the Nov York City Area, Amdt. 14]

#### SECURITY DEFOSITS

Section 2 (c) of the Rent Regulation for Hotels and Rooming Houses in the New York City Defense-Rental Area is amended to read as follows:

(c) Security deposits—(1) General prohibition. Regardless of any contract, agreement, lease or other obligation heretofore or hereafter entered into, no person on or after September 1, 1944 shall demand or receive a security deposit for or in connection with the use or occupancy of any room in a hotel or rooming house within the Defense-Rental Area or retain any security deposit received prior to or on or after September 1, 1944 except as provided in this paragraph (c). The term "security deposit," in addition to its customary meaning, includes any prepayment of rent except payment in advance of the next periodic installment of rent for a period no longer than one month.

(2) Maximum rent established under section 4 (a). Where the maximum rent of the housing accommodations is or initially was established under section 4 (a), no security deposit shall be demanded, received or retained except in the amount (or any lesser amount) and on the same terms and conditions (or on terms and conditions less burdensome to the tenant) provided for in the lease or other rental agreement in effect on the date determining the maximum rent.

(3) Maximum rent established under section 4 (b) or (c)—(i) Renting prior to effective date of regulation. Where the maximum rent of the housing accommodations is or initially was established under section 4 (b) or (c) by a renting prior to the effective date of regulation, no security deposit shall be demanded, received, or retained except in the amount (or any lesser amount) and on the same terms and conditions (or on terms and conditions less burdensome to the tenant) provided for in the lease or other rental agreement under which the accommodations were first rented or in any order heretofore or hereafter issued with reference to such security deposit. Where such lease or other rental agreement provided for a security deposit, the Administrator at any time, on his own initiative or on application of the tenant, may order a decrease in the amount of such deposit, or may order its elimination.

(ii) Renting on or after effective date of regulation. Where the maximum rent of the housing accommodations is or initially was established under section 4 (b) or (c) by a renting on or after the effective date of regulation, no security deposit shall be demanded or received.

(4) Maximum rent established under section 4 (d) or (f). Where the maximum rent of the housing accommodations is or initially was established under section 4 (d) or (f), no security deposit shall be demanded or received except in

the amount (or any lesser amount) and on the same terms and conditions (or on terms and conditions less burdensome to the tenant) as provided in the lease or other rental agreement in effect on September 1, 1944. Where such accommodations are first rented after September 1, 1944, no security deposit shall be demanded, received, or retained.

(5) Deposits to secure the return of certain morable articles. Notwithstanding the preceding provisions of this paragraph (c), any landlord may petition for an order authorizing the demand and receipt of a deposit to secure the return of movable articles. If the landlord shows that he has a special need therefor, the Administrator may enter an order authorizing a security deposit, not in excess of ten dollars to secure the return of the movable articles specified in the

This regulation shall become effective October 12, 1944.

Note: All reporting and record-leeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942

Issued this 12th day of October 1944.

Chester Bowles, Administrator.

[F. R. Doc. 44-15752; Filed, Oct. 12, 1944; 11:47 c. m.]

PART 1368—DEFENSE-RENTAL AREAS [Housing in the Atlantic County Area, Amdt. 5]

# SECURITY DEPOSITS

Section 2 (d) of the Rent Regulation for Housing in the Atlantic County Defense-Rental Area is amended to read as follows:

(d) Security deposits—(1) General prohibition. Regardless of any contract, agreement, lease or other obligation heretofore or hereafter entered into, no person on or after September 1, 1944 shall demand or receive a security deposit for or in connection with the use or occupancy of housing accommodations within the Defense-Rental Area or retain any security deposit received prior to or on or after September 1, 1944 except as provided in this paragraph (d). The term "security deposit", in addition to its customary meaning, includes any prepayment of rent except in advance of the next periodic installment of rent for a period no longer than one month.

(2) Maximum rent established under section 4 (a) or (b). Where the maximum rent of the housing accommodations is or initially was established under section 4 (a) or (b), no security deposit shall be demanded, received, or retained except in the amount (or any lesser amount) and on the same terms and conditions (or on terms and conditions less burdensome to the tenant) provided for in the lease or other rental agreement in effect on the date deter-

<sup>&</sup>lt;sup>1</sup>8 F.R. 15581, 16219, 16293; 9 F.R. 2026, 3422, 5003, 8054, 9428, 10191, 10633.

<sup>10</sup> P.R. 6319, 8054, 10189, 10634.

mining the maximum rent established under section 4 (a) or (b).

- (3) Maximum rent established under section 4 (c) or (d). Where the maximum rent of the housing accommodations is or initially was established under section 4 (c) or (d), no security deposit shall be demanded, received, or retained except in the amount (or any lesser amount) and on the same terms and conditions (or on terms and conditions less burdensome to the tenant) provided for in the lease or other rental agreement under which the accommodations were first rented or in any order heretofore or hereafter issued with reference to such security deposit. Where such lease or other rental agreement provided for a security deposit, the Administrator at any time, on his own initiative or on application of the tenant may order a decrease in the amount of such depost or may order its elimination.
- (4) Maximum rent established under section 4 (e), or (i). Where the maximum rent of the housing accommodations is or initially was established under section 4 (e) or (i), no security deposit shall be demanded or received.
- (5) Maximum rent established under section 4 (f). Where the maximum rent of the housing accommodations is or initially was established under section 4 (f), no security deposit shall be demanded, received, or retained.
- (6) Maximum rent established under section 4 (g) or (h). Where the maximum rent of the housing accommodations is or initially was established under section 4 (g) or (h), no security deposit shall be demanded or received except in the amount (or any lesser amount) and on the same terms and conditions (or on terms and conditions less burdensome to the tenant) provided for in the lease or other rental agreement in effect on September 1, 1944. Where such accommodations are first rented after September 1, 1944, no security deposit shall be demanded, received, or retained.
- (7) Deposits to secure the return of certain movable articles. Notwithstanding the preceding provisions of this paragraph (d), any landlord may petition for an order authorizing the demand and receipt of a deposit to secure the return of movable articles. If the landlord shows that he has a special need therefor, the Administrator may enter an order authorizing a security deposit, not in excess of ten dollars, to secure the return of the movable articles specified in the order.

This amendment shall become effective October 12, 1944.

Note: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of

Issued this 12th day of October 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-15793; Filed, Oct. 12, 1944; 11:47 a. m.]

PART 1388—DEFENSE-RENTAL AREAS SECURITY DEPOSITS

[Housing in the Miami Area,1 Amdt. 11]

Section 2 (d) of the Rent Regulation for Housing in the Miami Defense-Rental Area is amended to read as follows:

(d) Security deposits—(1) General prohibition. Regardless of any contract, agreement, lease or other obligation heretofore or hereafter entered into, no person on or after September 1, 1944 shall demand or receive a security deposit for or in connection with the use or occupancy of housing accommodations within the Defense-Rental Area or retain any security deposit received prior to or on or after September 1, 1944, except as provided in this paragraph (d). The term "security deposit," in addition to its customary meaning, includes any prepayment of rent except payment in advance of the next periodic installment of rent for a period no longer than one

(2) Maximum rent established under section 4 (a). Where the maximum rent of the housing accommodations is or initially was established under section 4 (a), no security deposit shall be demanded, received, or retained except in the amount (or any lesser amount) and on the same terms and conditions (or on terms and conditions less burdensome to the tenant) provided for in the lease or other rental agreement in effect on September 1, 1943.

(3) Maximum rent established under section 4 (b) or (f). Where the maximum rent of the housing accommodations is or initially was established under section 4 (b) or (f), no security deposit shall be demanded or received.

(4) Maximum rent established under section 4 (c). Where the maximum rent of the housing accommodations is or initially was established under section 4 (c), no security deposit shall be demanded, received, or retained.

(5) Maximum rent established under section 4 (d) or (e). Where the maximum rent of the housing accommodations is or initially was established under section 4 (d) or (e), no security deposit shall be demanded or received except in the amount (or any lesser amount) and on the same terms and conditions (or on terms and conditions (er on terms and conditions) for on the tenant) provided for in the lease or other rental agreement in effect on September 1, 1944. Where such accommodations are first rented after September 1, 1944, no security deposit shall be demanded, received or retained.

(6) Deposits to secure the return of certain movable articles. Notwithstanding the preceding provisions of this paragraph (d), any landlord may petition for an order authorizing the demand and receipt of a deposit to secure the return of movable articles. If the landlord shows that he has a special need therefor, the

Administrator may enter an order authorizing a security deposit, not in excess of ten dollars, to secure the return of the movable articles specified in the order.

This amendment shall become effective October 12, 1944.

Note: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942

Issued this 12th day of October 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-15790; Filed, Oct. 12, 1944; 11:47 a. m.]

PART 1388—DEFENSE-RENTAL AREAS
[Housing in the New York City Area,1 Amdt. 13]

#### SECURITY DEPOSITS

Section 2 (d) of the Rent Regulation for Housing in the New York City Defense-Rental Area is amended to read as follows:

- (d) Security deposits—(1) General prohibition. Regardless of any contract, agreement, lease or other obligation heretofore or hereafter entered into. no person on or after September 1, 1944 shall demand or receive a security deposit for or in connection with the use or occupancy of housing accommodations within the Defense-Rental Area or retain any security deposit received prior to or on or after September 1, 1944 except as provided in this paragraph (d). The term "security deposit," in addition to its customary meaning, includes any prepayment of rent except payment in advance of the next periodic installment of rent for a period no longer than one month.
- (2) Maximum rent established under section 4 (a) or (b). Where the maximum rent of the housing accommodations is or initially was established under section 4 (a) or (b), no security deposity shall be demanded, received, or retained except in the amount (or any lesser amount) and on the same terms and conditions (or on terms and conditions less burdensome to the tenant) provided for in the lease or other rental agreement in effect on the date determining the maximum rent established under section 4 (a) or (b).
- (3) Maximum rent established under section 4 (c) or (d). Where the maximum rent of the housing accommodations is or initially was established under section 4 (c) or (d) no security deposit shall be demanded, received, or retained except in the amount (or any lesser amount) and on the same terms and conditions (or on terms and conditions for in the lease or other rental agreement under which the accommodations were first rented or in any order hereto-

<sup>&</sup>lt;sup>1</sup>8 F.R. 13118, 14047, 16033; 9 F.R. 3423, 4028, 6360, 7168, 8053, 10191, 10635.

<sup>&</sup>lt;sup>1</sup>8 F.R. 13914, 14814, 15586, 16219; 9 F.R. 2087, 3423, 4028, 6360, 8054, 10190, 10635.

fore or hereafter issued with reference to such security deposit. Where such lease or other rental agreement provided for a security deposit, the Administrator at any time, on his own initiative or on application of the tenant, may order a decrease in the amount of such deposit or may order its elimination.

(4), Maximum rent established under section 4 (e). Where the maximum rent of the housing accommodations is or initially was established under Section 4 (e), no security deposit shall be de-

manded or received.

(5) Maximum rent established under section 4 (f). Where the maximum rent of the housing accommodations is or initially was established under Section 4 (f), no security deposit shall be de-

manded, received, or retained. (6) Maximum rent established under section 4 (g) or (h). Where the maximum rent of the housing accommodations is or initially was established under section 4 (g) or (h), no security deposit shall be demanded or received except in the amount (or any lesser amount) and on the same terms and conditions (or on terms and conditions less burdensome to the tenant) provided for in the lease or other rental agreement in effect on September 1, 1944. Where such accommodations are first rented after September 1, 1944, no security deposit shall be demanded, received, or retained.

(7) Deposits to secure the return of certain movable articles. Notwithstanding the preceding provisions of this paragraph (d), any landlord may petition for an order authorizing the demand and receipt of a deposit to secure the return of movable articles. If the landlord shows that he has a special need therefor, the Administrator may enter an order authorizing a security deposit, not in excess of ten dollars, to secure the return of the movable articles specified in the order.

This amendment shall become effective October 12, 1944.

Note: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 12th day of October 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-15789; Filed, Oct. 12, 1944; 11:47 a. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 5C,1 Amdt. 156]

MILEAGE RATIONING: GASOLINE REGULATIONS

A rationale accompanying this amendment issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Ration Order 5C is amended in the following respects:

1. In § 1394.7805 (b) the text following the first sentence is deleted, and the following is substituted therefor:

Except as provided in §§ 1394.8051 (b) (2) and 1394.8052 (e), the Board shall allow the maximum number of gallons of gasoline certified in the Certificate of War Necessity for the quarterly period for which the ration is sought or the quantity of gasoline which the applicant states he requires for that period, whichever amount is less. The Board shall issue ration evidences in accordance with the provisions of paragraph (d) of this section, to provide the number of gallons of gasoline which it has allowed.

- 2. Section 1394.8051 (b) (2) is amended to read as follows:
- (2) Application for the renewal of a transport ration issued for use with a commercial motor vehicle for which a Certificate of War Necessity has been issued may be made by executing Form OPA R-596. If permission has been granted by the District Director, the Board may issue such renewal without requiring execution by the applicant of such form. If the renewal is for a fleet of commercial motor vehicles the Board shall notify the applicant not less than fifteen (15) days prior to the beginning of the new quarter to appear for a renewal ration. The Board shall issue as a renewal a ration sufficient to provide the maximum number of gallons of gasoline certified in the applicant's Certificate of War Necessity for the quarter for which application is made. However, the issuance of such maximum allowances is subject to the following limitations:

(i) If notification has been received from the Office of Defense Transportation that a Certificate of War Necessity has been recalled or revoked, no renewals shall be issued. If such notification modifies the maximum allowances the renewals shall be issued in accordance with such modifications.

(ii) If the Board receives notice of the increase of the former allowance for a calendar quarter after the issuance of the renewal of the ration for that quarter, the Board shall issue additional rations to the applicant equal to the difference between the ration previously issued and the maximum gallonage specified in the notice.

(iii) The Board shall allow and issue rations in an amount less than such maximum or modified allowance for the calendar quarter for which the ration is issued under the following circumstances:

(a) Where the applicant informs the Board that his needs are less than his certified allotment.

(b) Where the Board finds that the ration requirements of the applicant have been decreased by a reduction in or discontinuance of his operations.

(c) Where the Board finds that the applicant has misused his transport rations in such a manner as to show that his present allotment is excessive.

(d) Where the applicant fails to use all of his ration for the preceding quarter or fails to appear within a reasonable period of time to receive his ration when the circumstances surrounding such failure show that the applicants present allotment is excessive.

In any such case, the Board shall determine the lesser amount of gasoline required by the applicant for the operation, during such quarter, of the vehicle or vehicles covered by the Certificate of War Necessity or the latest modification thereof and shall issue a ration in that amount.

- 3. In § 1394.8052 (a) (1) the following sentence is added at the end thereof: "However, application for a further transport ration for use with a vehicle for which a Certificate of War Necessity has been issued may only be made for a nonrecurring requirement that does not extend beyond the current calendar quarter."
- 4. In § 1394.8052 (b) the text preceding subparagraph (1) is amended to read as follows: "Application for a further ration (other than a further transport ration for use with a vehicle for which a Certificate of War Necessity has been issued) shall be made in the same manner as the application for the current ration, and the applicant shall append to the application a statement showing:
- 5. Section 1394.8052 (e) is amended to read as follows:
- (e) No further transport ration shall be granted pursuant to this section which would allow a vehicle or fleet for the operation of which a Certificate of War Necessity is required more gasoline for the current ration period than the amount authorized by the Certificate of War Necessity or the last modification thereof except as follows: A further transport ration may be granted pursuant to this section for use with a vehicle for which a Certificate of War Necessity has been issued in an amount needed to provide mileage for a nonrecurring requirement that does not extend beyond the current calendar quarter. Application for such ration shall be made on OPA Form-597, and shall contain, among other things, the following information:

(1) Nature of the applicant's busi-

(2) The reason or reasons why a further ration will be needed for use before the end of the period for which

the current ration was issued;
(3) The number of gallons (

(3) The number of gallons of gasoline allotted to the applicant for the current calendar quarter which are available for use and the number of gallons needed to complete the quarter.

- 6. Section 1394.8102 (c) (4) is revoked.
  7. Section 1394.8105 (a) (2) (v) is added to read as follows:
- (v) Before sending a notice of hearing for the purpose of instituting a proceeding to revoke or suspend a transport ration issued pursuant to the terms of a Certificate of War Necessity, the Board shall notify the appropriate District Office of the Office of Defense Transportation of the pending proceeding. No such notice shall be sent if such District Office

<sup>\*</sup>Copies may be obtained from the Office of Price Administration.

<sup>&</sup>lt;sup>1</sup>8 FR. 15937.

notifies the Board within 10 days from the date of such notice that because of the essentiality of the transportation provided by the ration holder it would not be in the public interest to suspend or revoke such ration. However, a proceeding may be instituted by a special hearing officer without giving notice to the Office of Defense Transportation.

This amendment shall become effective October 16, 1944.

(Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89, 421 and 507, 77th Cong.; WPB Dir. No. 1, Supp. Dir. No. 1Q, 7 F.R. 562, 9121, E.O. 9125, 7 F.R. 2719)

Note: The reporting and record keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 12th day of October 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-15782; Filed, Oct. 12, 1944; 11:42 a. m.]

PART 1418—TERRITORIES AND POSSESSIONS [MPR 373 1, Amdt. 86]

GROCERY ITEMS IN HAWAII

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Section 41a is amended in the following respects:

- 1. Paragraph (e) is amended to read as follows:
- (e) Maximum prices for grocery items received from or via another Island in the Territory of Hawaii. In the case of sales of any grocery items covered by this section which have been received from or via another Island in the Territory of Hawaii; the wholesaler shall calculate his maximum price for each item (that is, for each kind, brand, grade, variety, container type and container size) as follows:
- (1) For grocery items manufactured or produced in the Territory of Hawaii.
  (i) The wholesaler shall first ascertain his "landed cost" for the item he is pricing by adding the amounts permitted in subdivisions (a) through (a), set forth below. If any of the amounts, or any part thereof, specified in any of these subdivisions has already been included in another subdivision, it may not again be added.
- (a) An amount equal to the manufacturer's or producer's selling price, less all discounts and allowances except the discount for prompt payment up to 2% and the customary swell and label allowances as received, and the promotional

allowances to the extent received in the calendar year 1941.

(b) An amount equal to cartage charges for cartage from the seller's shipping point to dock in the Island from which the item is shipped, calculated at a rate of \$\frac{1}{2}\$.20 per ton, weight or measurement, except in cases where the seller's selling price regularly includes delivery to the dock.

- (c) An amount equal to charge for ocean freight, war risk and marine insurance actually incurred by the wholesaler for shipment between the Islands, and there may be included in this amount Territorial tolls and tonnage tax as shown on the bill of lading. However, the amount by which any cost of war risk insurance exceeds the rates charged by the War Shipping Administration shall not be included in the event that the difference between the two rates exceeds 1%, but the type of coverage is at the discretion of the buyer or seller.
- (d) An, amount equal to cartage charges in the port of entry, in the Island in which the purchasing wholesaler is located, from dock to the wholesaler's warehouse or to the ultimate purchaser's establishment, computed at a rate of \$1.20 per ton, weight or measurement: Provided, That the merchandise is moved from the dock at the wholesaler's expense.
- (ii) When the item which the whole-saler is pricing is listed in Table A of this section, he shall then add to his "landed cost", computed in accordance with the provisions of paragraph (e) (1) (i) above, the mark-up set forth therein for that item. When the item is not listed in Table A, the wholesaler shall divide the "landed cost" by the applicable division factor set forth in Table B of this section. The resulting price shall be the wholesaler's maximum price for that item.
- (2) For grocery items imported from the mainland. The wholesaler shall ascertain his maximum price for the item he is pricing by adding the amounts permitted in subdivisions (i) through (iv) set forth below. If any of the items, or any part thereof, specified in any of these subdivisions has already been included in another subdivision, it may not again be added.
- (i) An amount equal to the primary wholesaler's maximum price in the Island from which the item is shipped, computed in accordance with the provisions of paragraph (b) of this section.
- (ii) An amount equal to cartage charges for cartage from the seller's warehouse to dock in the Island from which the item is shipped, calculated at a rate of \$1.20 per ton, weight or measurement, except in cases where the seller's maximum price regularly includes delivery to the dock.
- (iii) An amount equal to charge for ocean freight, war risk and marine insurance actually incurred by the wholesaler for shipment between the Islands, and there may be included in this amount Territorial tolls and tonnage tax

as shown on the bill of lading. However, the amount by which any cost of war risk insurance exceeds the rates charged by the War Shipping Administration shall not be included in the event that the difference between the two rates exceeds 1%, but the type of coverage is at the discretion of the buyer and seller.

- (iv) An amount equal to cartage charges in the port of entry in the Island on which the purchasing wholesaler is located from dock to the wholesaler's warehouse or to the ultimate purchaser's establishment, computed at a rate of \$1.20 per ton, weight or measurement, Provided, That the merchandise is moved from the dock at the wholesaler's expense.
- 2. Paragraph (n) is amended by deleting the last sentence under the commodity classification entitled "(45) 'Coffee'", and by inserting a new sentence to read as follows: "This classification includes only coffee imported from the mainland."
- 3. Paragraph (c) (1) (i) is amended to read as follows:
- (i) An amount equal to the selling price of the Federal Surplus Commodity Corporation, less all discounts and allowances except the discount for prompt payment up to 2%, and the customary swell and label allowance as received.

This amendment shall become effective as of June 1, 1944.

Issued this 12th day of October 1944.

CHESTER BOWLES, Administrator.

[F. R. Doc. 44-15783; Filed, Oct. 12, 1944; 11:42 a. m.]

PART 1418—TERRITORIES AND POSSESSIONS [MPR 373,1 Amdt. 87]

#### FLUID MILK IN HAWAII

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Section 71 is amended by changing the last sentence of paragraph (c) to read as follows: "In the case of sales on the Island of Lanai of any fresh fluid milk transported from the Island of Maui wholesalers and retailers may add three cents per quart for sales in quart containers and one cent per pint for sales in pint containers to the maximum prices set forth above."

This amendment shall become effective as of September 26, 1944.

Issued this 12th day of October 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-15784; Filed, Oct. 12, 1944; 11:42 a. m.]

<sup>\*</sup>Copies may be obtained from the Office of Price Administration.

<sup>&</sup>lt;sup>1</sup>9 F.R. 8830, 9288, 9289, 9891, 9902, 9907, 10305, 11544, 11545, 11961, 12090.

<sup>&</sup>lt;sup>2</sup>9 F.R. 8830, 9289, 9289, 9891, 9902, 9907, 10305, 11544, 11545, 11961, 12090.

PART 1418-TERRITORIES AND POSSESSIONS [MPR 373,1 Amdt. 88]

MEAT AND DAIRY PRODUCTS IN HAWAII

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Section 19 is amended in the following respects:

- 1. Paragraph (g) is amended to read as follows:
- (g) Gross income tax. In the case of a sale to a buyer who does not have a gross income tax license, the seller may add one per cent (1%) to the selling price.
- 2. Paragraph (j) is amended to read as follows:
- (j) Calculation of the base price. (1) Except in the case of purchases from the Federal Surplus Commodities Corporation, the base price shall be an amount not in excess of the items described in subdivisions (i) through (ix), below. If any of the items have been absorbed by the seller they may not again be added.
- (i) An amount equal to the lower of either the amount the wholesaler paid the mainland supplier less all discounts and allowances except the discount for cash or prompt payment and before the addition of any premium or other charge permitted under the Second Revised Maximum Export Regulation, or the mainland supplier's maximum price permitted under the following mainland maximum price regulations, whichever governs the sale of the commodity in question: Maximum Price Regulation 169 (Beef and Veal Carcasses and Wholesale Cuts), Maximum Price Regulation 239 (Lamb and Mutton Carcasses and Wholesale Cuts), Maximum Price Regulation 269 (Poultry), Maximum Price Regulation 148 (Dressed Hogs and Wholesale Pork Cuts), Maximum Price Regulation 289 (Dairy Products), Maximum Price Regulation 333 (Eggs and Egg Products), Maximum Price Regulation 389 (Certain Sausage Items at Wholesale), Maximum Price Regulation 398 (Variety Meats and Edible By-Products at Wholesale).

However, if the mainland supplier processes or otherwise prepares the commodity for shipment and bills the wholesaler for this service as a separate item on the invoice, the wholesaler may add the amount of any such charge actually incurred.

(ii) If the wholesaler must process or prepare the commodity for shipment at his own expense subsequent to purchase from the mainland supplier, an amount equal to such charges actually incurred.

(iii) An amount equal to the transportation charges, if any, actually incurred by the wholesaler for transportation from the mainland point at which the wholesaler received delivery to the mainland port of shipment, including such charges in connection therewith as were therefore customarily included,

such as icing charges, switching, demurrage, and the like.

(iv) An amount equal to the actual cold storage charges, and insurance in connection therewith at point of shipment actually incurred by the wholesaler.

(v) An amount computed at the rate of 12¢ per 100 pounds net weight to cover cartage from warehouse to dock at point of shipment, except that for eggs, the

rate shall be 5¢ per case.

(vi) An amount no higher than the following for ocean freight, war risk and marine insurance:

Per 100 pounds net reclaht

Refrigerated Beef, veal, pork, lamb and mutton carcases and wholesale cuts, bone in, in cloth or burlap\_\_\_\_ All meat cuts, boneless or bone in, in containers weighing over 15 pounds, per 100 pounds net weight of con-3.70 tent \_. All meat cuts, boneless or bone in, in containers weighing from 10 pounds to 15 pounds, per 100 pounds net 3,55 pounds, per 100 pounds net weight pounds, per 100 pounds
of content
Variety meats: Liver, tweetbreads,
tongue, hearts, kidneys, brains,
cooked tripe, etc.
Smoked meats: Typical items are: ham, 3, 69 3,70 eat meats: Typical items are: frankfurters, bologna, meat loaves, boiled 3.70 Regular dressed\_\_\_\_\_Eviscerated\_\_\_\_\_ 3.65 Turkeys: (dressed) 3.60
Canned eggs: Whole, Whites, or Yolks 3.40 Shell eggs: (Per 30 dozen case)\_\_\_\_\_ Cheese: Natural or Processed, bulk or packaged...... 3.59 Unrefrigerated

Smoked meats: Typical items are: ham, Fresh and smoked sausage or ready-toeat meats\_\_\_\_\_1.25 Glue

Note: For commodities other than those listed above, the amounts to be added for ocean freight and insurance in connection therewith shall be the charges actually in-

(vii) An amount for cartage charges from dock to warehouse computed at a rate of 12¢ per 100# net weight, except that for eggs the rate shall be 5¢ per case. These cartage charges may be added only if the commodity is moved from the dock at the wholesaler's expense.

(viii) An amount equal to cold storage charges actually incurred by the wholesaler in the Territory of Hawaii after the first 30 days but not exceeding 90 days. In the event a wholesaler operates his own storage plant, he may compute these charges according to established public cold storage rates. All storage charges for products that are in storage for 30 days or less shall be absorbed by the wholesaler.

(ix) On sales to other islands, an amount for cartage charges from warehouse to dock at the rate of 12¢ per 100# net weight, except that for eggs the rate shall be 5¢ per case. These cartage charges may be added only if the commodity is moved to the dock at the wholesaler's expense.

(2) In the case of purchases from the Federal Surplus Commodities Corporation, the base price shall be the net price paid plus an amount equal to cartage charges computed at a rate not in excess of 12¢ per 100# net weight.

3. Paragraph (k), Table A is amended to read as follows:

TABLE A-MAXIMUM MARGES

(The maximum margine are permitted to be added to your bare price calculated in accordance with paragraph (1) of this section;	Maximum mum margin on cars onts, per lb. net vt.	tiinii Caro
(i) All—meat careacter, cides and quarters.  Hind quarters—E per lb, over careacts price.	\$0.C2	
cereas price. Fore quarters—1/2 cents per Be under execus price. (2) All—wholesale meat cut—cmaller than quarters (in bility) (3) All—wholesale meat cut3 (box procked).	.021/4	
(4) Fabricated pork and yeal cuts (to ratellers).	.021/4	
	.021/4	.03
purveyors of meals). (i) Fabricated beefcuts (to purveyors	.63	.63
of meals only)  (7) Faultry and rabbits—regular— dressed.	.63	.03
dramed. (5) Feating and rabbits—frozen evis- cerated. (6) Hama—cmaked, cooked, boiled,	.62%	.03/4
(9) Hame-cmeked, ecoked, boiled,	.03 .03	.0374
(16) Smoked and dry called meats—	.63	.04
Typical items are: smoked ba- con, dry calt post, etc	.63	.04
(11) From and smooth configure and received to many-typic all items are: frankfarters, bely-man, caucage and ment leaves.  (12) Drycourano (Except Chiatescan-core)-typical items are: cervicit, calami, etc.  (13) Commoder picking ments-typical items are leaves are and the commoder picking the core are a ments.	.0274	.0312
ascended by the property of the feet of the	.ಬ	.03
rich, etc.  113 Variety meats and edible by- products—fiver, sweetbreade.	.63	.04
(15) Checce (16) Unproceed the distribution of the Checce (17) Variety means and edible by products—liver, sweetbread, toggue, hearts, kidneys, brains, trips, etc. (18) Checce (18) Checce (19) Checce (19) Unproceed the distribution of the Checce (19) Unproceed the distribution of the Checce (19) Unproceed the Check of the distribution of the Check of the	.62 (4) .62 .62	.63 (f) .62 .62
(i) Unproceed chedding such actionally double, or triple dated by twing, longhorns, flets, c june prints, young America, plantes, midgets, and natural loaf.  (ii) Proceed but weighing over	<b>.</b> c3	.C <b>£</b>
(ii) Processed last weighing over	.63	.04
(iii) 1 lb. and 2 lb. paskages (proceed). (iv) 25 lb. paskages (proceed). (v) Chaes (toma other than those	.C3	.05 .05
mentioned above. (19) Butter—cartom or prints. (20) Shill egg=-lease or pre-cartoned (per dozon)	.627/2	0372
(per dezen)	.63½	.C4
(per desen). Cartened, (By local wholicalis) (per desen). (21) Pawdesed whole eggs:	.0372	1
Jorn-S or circ (rev dozon)	.63	.03 .50 .37
Jero–S cz. ciże (per dożen) Pacinggo–5 cz. ciże (per dożen) (22) Canned geog, frezen	.50 .37 .0274	.37 .0273
Packages—5 sz.cize (perdezen). (22) Canred eges, frezen. (23) Gelatin, bulk. (24) Glue, bulk er packaged.	.6274 .63 (9	.6272 .04 (9
110% on colling.	3 15% CI	eclling.

<sup>\*</sup>Copies may be obtained from the Office of Price Administration.

<sup>19</sup> F.R. 8830, 9288, 9289, 9891, 9902, 9907, 10305, 11544, 11545, 11961, 12090.

4. Paragraph (n) (1) is amended by deleting the word "Island".

5. Paragraph (n) (2) is amended by deleting the word "Island".

This amendment shall become effective as of October 1, 1944.

Issued this 12th day of October 1944.

CHESTER BOWLES, Administrator.

[F. R. Doc. 44-15785; Filed, Oct. 12, 1944; 11:43 a. m.]

# TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers; War Department

PART 203—BRIDGE REGULATIONS

BRIDGE ACROSS SAN JOAQUIN RIVER, LATHROP, CALIF.

Pursuant to section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), paragraph (b) of § 203.710 is hereby amended to include the following special regulations governing operation of the Southern Pacific Company's railroad bridge across the San Joaquin River near Lathrop, California:

§ 203.710 State of California; bridge regulations for all navigable waterways of the United States within California, including San Francisco Bay and connected bays and river systems tributary thereto.

(b) Special regulations. \* \* \*

(5) San Joaquin River below Paradise Dam, Middle River, Burns Cut-Off and Potato Slough. \* \* \*

Southern Pacific Railroad Bridge, San Joaquin River. Between the hours of 8:00 a.m. and 5:00 p.m. daily, the Southern Pacific Railroad Bridge crossing the San Joaquin River between Lathrop and Tracy shall, upon proper signal, be opened promptly, depending upon train movements, for the passage of any vessel or vessels or other watercraft not able to pass underneath.

Between the hours of 5:00 p. m. and 8:00 a. m. daily, opening of the bridge under the above condition may be assured only after previously notifying the Southern Pacific Company's Chief Dispatcher at Stockton before 4:00 p. m. When previous notice, including the time of intended passage, is given, the bridge shall be opened upon proper signal as promptly as possible. Vessels making trips through this bridge without proper notification as specified above, will be delayed until such time as the Southern Pacific Company's Dispatcher at Stockton is notified and contacts the bridge tender of the desired opening. Every reasonable means, however, shall be used by the bridge owners to expedite openings at all times. (Sec. 5, 28 Stat. 362; 33 U. S. C. 499) [Regs. 9 October 1944, CE 823 (San Joaquin R.-Lathrop, Calif.) (Mi. 55.8) -SPEWR]

[SEAL]

J. A. ULIO, Major General, The Adjutant General.

[F. R. Doc. 44-15749; Filed, Oct. 12, 1944; 10:01 a. m.]

#### TITLE 42—PUBLIC HEALTH

Chapter I—United States Public Health Service, Federal Security Agency

PART 28—PAYMENTS TO PROVIDE TRAINING FOR NURSES

#### MISCELLANEOUS AMENDMENTS

#### Correction

In F. R. Doc. 44-11956, appearing on page 9791 of the issue for Friday, August 11, 1944, reference in the introductory paragraph to § 28.4 (h) should be to § 28.1 (h). The fourth sentence of § 28.7 (a) should read: "The first quarterly expenditure report shall include expenditures for the first quarter and budget estimates for the third quarter." The first word of the sixth sentence of that paragraph should read "this."

#### TITLE 46—SHIPPING

Chapter I—Coast Guard: Inspection and Navigation

Subchapter O—Regulations Applicable to Certain Vessels and Shipping During Emergency

PART 153—BOATS, RAFTS, AND LIFESAVING APPLIANCES; REGULATIONS DURING EMER-GENCY

AMENDMENTS TO REGULATIONS AND APPROVAL AND WITHDRAWAL OF APPROVAL OF EQUIPMENT

By virtue of the authority vested in me by R. S. 4405, 4417a, 4426, 4488, 4491, 49 Stat. 1544, 54 Stat. 163–167 (46 U.S.C. 375, 391a, 404, 481, 489, 367, 526–526t), and Executive Order 9083, dated February 28, 1942 (7 F.R. 1609), the following amendments to the regulations and approval and withdrayal of approval of equipment are prescribed:

1. Section 153.9 is amended by the addition of a new subparabraph (d) reading as follows:

§ 183.9 Construction of ring life buoys. \* \* \*

- (d) Covering. The life buoy shall be covered with an unbleached cotton duck, of a weight of not less than 9.68 ounces per square yard, complying with Federal Specification CCC-D-781.
- 2. Section 153.10 (c) is amended by deletion of the last sentence and the addition of the following sentence in lieu thereof:

\$ 153.10 Construction of life preservers. \* \*

(c) Kapok. \* \* \*

The kapok, after first having been submerged 12 inches deep in fresh water for 48 hours, shall have a buoyancy in fresh water of at least 48 pounds per cubic foot when compressed to a density of 3 pounds per cubic foot.

# APPROVAL OF EQUIPMENT

#### DAVIT

Modern Barclay Gravity Davit, Type A1 (Assembly Dwg. No. D-2446, Revision O, dated 31 July, 1944) (Maximum working load of 8,000 pounds per arm, or 16,000 pounds per set), submitted by Modern Boat and Engineering Company, Chicago, Ill.

DISENGAGING APPARATUS FOR LIFEEOATR

Rottmer type releasing gcar, Size 298 (Dwg. No. RA-303-2-J, dated 23 May, 1944, Alt. 1, dated 31 August, 1944) (Maximum working load of 14,260 pounds per hook, 28,-520 pounds per set), submitted by Georgo W. Kneass Company, San Francisco, California.

#### LIFE PRESERVER LIGHT

Life preserver light, Model No. 2 (Dwg. No. C-0004, Revision 4, dated 18 September, 1944), submitted by William M. Lennan, Inc., 2654 Fletcher Drive, Los Angeles 26, California. (Supersedes approval 24 June, 1944, 9 F.R. 7119.)

#### LIFE RAFT

20-person reversible improved type life raft, Type No. 2, steel construction with metallic air tanks (Dwg. Nos. 1, 2, and 3 of 8 sheets), constructed by the Westergard Boat Works, Biloxi, Miss., for Jones-Gillis Manufacturing Company, McComb, Miss.

#### PARACHUTE FLARE

Monty red parachute signal fiare plastic cartridge, submitted by the Unexcelled Manufacturing Company, Inc., 11 Park Place, New York 7, N. Y.

#### WINCH

Lifeboat winch for gravity davits, Type WH-3402 (Dwg. No. W. H. 3402, dated 10 August, 1944, Revision 1, dated 2 September, 1944) (Working load of 17,600 pounds at the drums, or 8,800 pounds per fall), submitted by the Modern Boat and Engineering Company, Chicago, Ill.

#### WITHDRAWAL OF APPROVAL

#### PARACHUTE FLARE

International red parachute signal flare paper cartridge No. 52-A, manufactured by International Flare Signal Division, Tipp City, Ohio. (Approved 14 June, 1943, 8 F.R. 8188.) Cartridges now manufactured may be placed in service and cartridges in service may be continued in use so long as in serviceable condition.

Dated: October 12, 1944.

L. T. CHALKER, Rear Admiral, U. S. C. G., Acting Commandant.

[F. R. Doc. 44-15755; Filed, Oct. 12, 1944; 10:52 a. m.]

# TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

Subchapter A-General Rules and Regulations

[Corrected S. O. 244]

PART 95-CAR SERVICE

# DISTRIBUTION OF GRAIN CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 10th day of October A. D. 1944.

It appearing, that the demand for cars for grain loading at stations in the States of Minnesota, Montana, North Dakota, South Dakota, and Wisconsin is placing an inordinate burden on the car supply, and that the need for an equitable distribution of such cars to obtain a fair supply between all shippers is of vital importance; in the opinion of the Commission an emergency exists re-

quiring immediate action. It is ordered, that:

(a) Definitions. (i) The term "prompt loading," as used in these rules, is intended to mean that a car placed for loading not later than 12:00 noon must be loaded and billing instructions tendered on or before 10:00 a. m. the following business day, failing which, such car will be charged against the consignor's or shipper's allotment as an additional empty for each succeeding day held for loading, or for billing instructions.

(ii) The term "blocked elevator", as used in these rules, shall be held to mean an elevator containing grain to at least 75% of its rated capacity and that the carrier's agent has been notified to this effect in writing and other consignors or shippers have been given an opportunity for verification. The term "rated capacity" shall be held to mean the capacity filed with State authorities as basis for license.

(b) Cars not to be furnished or supplied for grain loading. No common carrier by railroad subject to the Interstate Commerce Act shall supply or furnish any car to any consignor or shipper of grain for loading and transportation unless such consignor or shipper has first:

(i) Advised the carrier's agent, the preceding Saturday, of the total quantity of grain on hand to be tendered for rail shipment the ensuing week, and

(ii) Made a written order on the carrier's agent (see note below) for cars wanted for grain loading showing the (a) date of order, (b) number of cars wanted, (c) whether car is for bulk or sacked grain, (d) destinations, (e) date wanted to load, (f) quantity of each kind of grain on hand and conveniently located for prompt loading tendered for rail shipment, and (g) name of shipper.

Note: Orders from shippers served by more than one railroad shall be placed jointly when cars are required from more than one carrier. Copies of all orders, whether single or joint; shall be sent as information to each of the other roads serving the industry. Such combined orders shall not exceed the total grain conveniently located for prompt loading tendered for shipment.

(e) Distribution. After a consignor or shipper has complied with paragraph (b) hereof, each common carrier by railroad subject to the Interstate Commerce Act shall supply a car or cars to such consignor or shipper but such carrier or carriers shall distribute its cars available for grain loading in accordance with the following rules:

(i) The ratio of the quantity of grain reported in accordance with paragraph (b) (i) hereof by each consignor or shipper to the total quantity of grain reported by all consignors or shippers shall be the percentage basis for the distribution of available cars at each station during the ensuing week for grain loading.

(ii) When a consignor's or shipper's pro-rata share of the available car supply is a fraction of a car, the fraction will be carried to the consignor's or shipper's credit, and the consignor or shipper will be entitled to car supply on the basis of the aggregate of such fractional credits.

(iii) Cars shall not be furnished in excess of a consignor's or shipper's ability to load and ship promptly.

(iv) In case one or more elevators at a station are blocked, the available cars shall be distributed as follows: the first car to first elevator blocked and thereafter during such time as elevators remain blocked cars shall be distributed consecutively to blocked elevators in the order in which they became blocked until the blocked condition in all elevators is relieved. After each blocked elevator has been furnished one car, any cars remaining will be furnished all shippers at such station in accordance with the provisions of paragraph (c) hereof.

(d) Application. The provisions of this order shall apply to intrastate as well as interstate commerce.

(ii) This order shall apply only at points located in the States of Minnesota, Montana, North Dakota, South Dakota, or Wisconsin. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 201; 49 U.S.C. 1 (10)—(17))

It is further ordered, That this order shall become effective at 12:01 a.m., October 11, 1944; that a copy of this order and direction shall be served upon the Commissions regulating common carriers by railroad in the States of Minnesota, Montana, North Dakota, South Dakota, and Wisconsin, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL]

W. P. BARTEL, Secretary.

[F. R. Doc. 44-15775; Filed, Oct. 12, 1944, 11:22 a. m.]

# PART 152-MAP SPECIFICATIONS

PART 155—UNIFORM SYSTEM OF RECORDS AND REPORTS OF PROPERTY CHANGES: COMMON CARRIERS

PART 158—SPECIFICATIONS FOR PIPE LINE CARRIERS

#### MISCELLANEOUS AMENDMENTS

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 26th day of September, A. D. 1944.

The matter of the certification and attestation under oath of report and returns required under the valuation orders of the Commission being under consideration,

And it appearing, that the elimination of the oath requirement is appropriate in certain instances:

It is ordered, That:

Section 10 of Specifications for Maps, Second Issue, prescribed by order of the Commission of November 25, 1932 (§ 152.10), and paragraph 9, section A, Valuation Order No. 26—Revised, of December 31, 1934 (§ 158.3 (g)), are amended to read:

Certification. Certification as to the correctness of all maps shall be executed and shall accompany such maps when submitted to the Commission.

Valuation Order No. 3—Second Revised Issue, of March 31, 1919, is amended to eliminate the first sentence of paragraph (1), (§ 155.13) thereof. Accordingly, the oath requirement on forms C (§ 155.303), C-1 (§ 155.304), and D (155.305) is eliminated.

(37 Stat. 701, 41 Stat. 493, 42 Stat. 624, 48 Stat. 221; 49 U.S.C. 19a)

By the Commission, Division 2.

[SEAL]

W. P. BARTEL, Secretary.

[F. R. Dac. 44-15777; Filed, Oct. 12, 1944; 11:22 a. m.]

PART 10—STEAM ROADS; UNIFORM SYSTEM OF ACCOUNTS

At a Session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 6th day of October A. D. 1944.

In the matter of uniform system of accounts to be kept by steam railroads.

The "Uniform System of Accounts for Steam Railroads, Issue of 1943" (Part 10 of Title 49, Code of Federal Regulations), being under consideration by the division, pursuant to authority of section 20 of the Interstate Commerce Act, and the division having found need for medifications and amendments of the "Uniform System of Accounts for Steam Railroads, Issue of 1943," the medifications and amendments attached hereto and made a part hereof being found necessary for administration of the provisions of part I of the act, are hereby approved:

It is ordered, That all carriers by railroad (except those independently operated as electric lines), herein referred to as steam railroads, subject to the provisions of the Interstate Commerce act, and every trustee, receiver, executor, administrator, or assignee of any such carrier, be, and they are hereby, required to comply with the "Uniform System of Accounts for Steam Railroads, Issue of 1943," as hereby modified and amended:

It is further ordered, That this order shall become effective January 1, 1945:

And it is further ordered, That a copy of this order shall be served upon every steam railroad subject to the act and upon every trustee, receiver, executor, administrator, or assignee of any such steam railroad, and that notice of this order be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

By the Commission, Division 1.

[SEAL] W. P. BARTEL, Secretary.

[F. R. Doc. 44-15778; Filed, Oct. 12, 1944; 11:22 a. m.]

<sup>\*</sup>Filed as par's of the original document.

# ' Chapter II-Office of Defense Transportation/

[Administrative Order ODT 1, Amdt, 14]

PART 503—ADMINISTRATION

DELEGATION OF AUTHORITY HIGHWAY TRANSPORT DEPARTMENT

Pursuant to Executive Orders 8989, as amended, 9156, 9214, and 9294, and War Production Board Directives 21 and 36,

It is hereby ordered, That subparagraph (4) of paragraph (a), § 503.11, Administrative Order ODT 1, as amended (8 F. R. 6001, 9 F. R. 7506), be, and it hereby is, amended to read as follows:

§ 503.11 Highway Transport Department. (a) \* \* \*

(4) To establish local appeal boards. as provided in Administrative Order ODT 27, as amended (9 F. R. 7092, 10268). and to fix the territory in which each such board shall function; to change the territorial jurisdiction of, or to disestablish, any local appeal board; to appoint members of local appeal boards and revoke any such appointments from time to time.

This Amendment 14 to Administrative Order ODT 1 shall become effective on October 15, 1944.

(E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183; E.O. 9156, 7 F.R. 3349; E.O. 9214, 7 F.R. 6097; E.O. 9294, 8 F.R. 221; War Production Board Directives 21 and 36, 8 F.R. 5834, 9 F.R. 6989)

Issued at Washington, D. C., this 12th day of October 1944.

> J. M. JOHNSON. Director.

Office of Defense Transportation. [F. R. Doc. 44-15740; Filed, Oct. 11, 1944;

3:20 p. m.]

# Notices

#### INTERIOR DEPARTMENT.

Office of Indian Affairs.

COMMISSIONER OF INDIAN AFFAIRS

#### DELEGATION OF AUTHORITY

I. Pursuant to sections 161 and 463, Revised Statutes (5 U.S.C. sec. 22 and 25 U.S.C. sec. 2), the Commissioner of Indian Affairs, or such other official in the Indian Service as may be properly authorized to act for and in his stead, may, subject to the right of any applicant to appeal to the Secretary, approve or disapprove applications by Osage Indians under section 5 of the act of April 18, 1912 (37 Stat. 87), for the withdrawal of individual trust funds in the Treasury of the United States.

II. This order is effective immediately, but any application now pending before the Department shall receive Secretarial action as heretofore.

> ABE FORTAS. Acting Secretary of the Interior.

OCTOBER 5, 1944.

[F. R. Doc. 44-15751; Filed, Oct. 12, 1944; 10:01 a. m.]

# DEPARTMENT OF LABOR.

Wage and Hour Division.

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES.

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of

Notice is hereby given that special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the act are issued under section 14 thereof, Part 522 of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4725), and the determination and order or regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591), as amended by Administrative Order March 13, 1943 (8 F.R.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes and Leather and Sheep-Lined Gar-ments Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F.R. 4724), as amended by Administrative Order March 13, 1943 (8 F.R. 3079), and Adminis-

trative Order June 7, 1943 (8 F.R. 7890).
Artificial Flowers and Feathers Learner
Regulations, October 24, 1940 (5 F.R. 4203).
Glove Findings and Determination of
February 20, 1940, as amended by Administrative Order September 20, 1940 (5 F.R. 3748) and as further amended by Adminis-

trative Order, March 13, 1943 (8 F.R. 3079). Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Independent Telephone Learner Regulations, July 17, 1944 (9 F.R. 7125).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982), as amended by Administrative Order March 13, 1943 (8 F.R.

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940

(5 F.R. 3392, 3393). Textile Learner Regulations, May 16, 1941 (6 F.R. 2446) as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Woolen Learner Regulations, October 30,

1940 (5 F.R. 4302). Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 20, 1941 (6 F.R. 3753).

The employment of learners under these certificates is limited to the terms and conditions therein contained and to the provisions of the applicable determination and order or regulations cited above. The applicable determination and order or regulations, and the effective and expiration dates of the certificates issued to each employer is listed below. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates, may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PROD-UCT, NUMBER OF LEARNERS AND EFFECTIVE DATES

single pants, shirts, and allied garments, women's apparel, eportswear, rainwear, ROBES AND LEATHER AND SHEEP-LINED GAR-MENTS DIVISIONS OF THE APPAREL INDUSTRY

Greensboro Manufacturing Company, 308 Walker Avenue, Greensboro, North Carolina; flannelette and cotton sleeping garments; 10 percent (T); effective October 9, 1944, expiring October 8, 1945.

Lakeland Manufacturing Company, 14th and Alabama Streets, Sheboygan, Wisconsin; leather coats, mackinaws, fingertip coats and

gackets; 10 percent (T); effective October 9, 1944, expiring October 8, 1945. Poultney Shirt Company, Incorporated, Beaman Street, Poultney, Vermont; men's dress shirts; 10 learners (T); effective October 6, 1944, expiring October 5, 1945.

Stadium Manufacturing Company, Incorporated, 1501 Guilford Avenue, Baltimore, Maryland; men's cotton pajamas; 10 percent (T); effective October 9, 1944, expiring October 8, 1945.

Waynesboro Garment Company, Waynesboro, Georgia; men's and boys' cotton work clothing; 22 learners (E); effective October 9, 1944, expiring April 8, 1945.

Carlinville Glove Company, Incorporated, Daley Street, Carlinville, Illinois; cotton work gloves; 5 learners (T); effective October 5, 1944, expiring October 4, 1945.

#### HOSIERY INDUSTRY

Artcraft Hosiery Company, Pickwick Division, 1539 Tate Street, Corinth, Mississippi; full-fashioned hosiery; 10 percent (AT); effective October 8, 1944, expiring April' 7,

Black Hoslery Mills Company, Midland, North Carolina; seamless hosiery; 4 learners (T); effective October 5, 1944, expiring October 4, 1945.

Chestertown Hosiery Mills, Chestertown, Maryland; full-fashioned hoslery; 2 learners (T); effective October 6, 1944, expiring October 5, 1945.

W. B. Davis and Son, Incorporated, Fort Payne, Alabama; seamless hostery; 10 percent (AT); effective October 11, 1944, expiring April 10, 1945.

Ellis Hosiery Mills, Hickory, North Carolina; seamless hosiery; 10 percent (AT); effective October 6, 1944, expiring April 5, 1945. John-Massey Hosiery Company, Valdese, North Carolina; seamless hosiery; 5 learners

(T); effective October 6, 1944, expiring October 5, 1945.

Ragan Knitting Company, 7 Cox Avenue, Thomasville, North Carolina; seamless hosiery; 5 percent (T); effective October 5, 1944, expiring October 4, 1945.

#### TELEPHONE INDUSTRY

Central Electric and Telephone Company, Albert City, Iowa; to employ learners as commercial switchboard operators at its Albert City exchange, located at Albert City, Iowa; effective October 9, 1944, expiring October 8,

Central Electric and Telephone Company, Belmond, Iowa; to employ learners as com-mercial switchboard operators at its Belmond exchange, located at Belmond, Iowa; effective October 9, 1944, expiring October 8, 1945. Central Electric and Telephone Company,

Coon Rapids, Iowa; to employ learners as commercial switchboard operators at its Coon Rapids exchange, located at Coon Rapids, Iowa; effective October 9, 1944, expiring October 8, 1945. Central Electric and Telephone Company.

George, Iowa; to employ learners as commercial switchboard operators at its George exchange, located at George, Iowa; effective

October 9, 1944, expiring October 8, 1945.
Central Electric and Telephone Company,
Holstein, Iowa; to employ learners as commercial switchboard operators at its Holstein exchange, located at Holstein, Iowa; effective

October 9, 1944, expiring October 8, 1945, Central Electric and Telephone Company, Kingsley, Iowa; to employ learners as commercial switchboard operators at its Kingsley exchange, located at Kingsley, Iowa; effective October 9, 1944, expiring October 8, 1945. Central Electric and Telephone Company,

Orange City, Iowa; to employ learners as com-

mercial switchboard operators at its Orange City exchange, located at Orange City, Iowa; effective October 9, 1944, expiring October 8, 1945.

Central Electric and Telephone Company, Sac City, Iowa; to employ learners as commercial switchboard operators at its Sac City exchange, located at Sac City, Iowa; effective October 9, 1944, expiring October 8, 1945. Central Electric and Telephone Company,

Central Electric and Telephone Company, Sheffield, Iowa; to employ learners as commercial switchboard operators at its Sheffield exchange, located at Sheffield, Iowa; effective October 9, 1944, expiring October 8, 1945.

October 9, 1944, expiring October 8, 1945.
Central Electric and Telephone Company,
Canby, Minnesota; to employ learners as commercial switchboard operators at its Canby
exchange, located at Canby, Minnesota; effective October 9, 1944, expiring October 8, 1946.
Central Electric and Telephone Company,

Central Electric and Telephone Company, Dawson, Minnesota; to employ learners as commercial switchboard operators at its Dawson exchange, located at Dawson, Minnesota; effective October 9, 1944, expiring October 8, 1945.

Central Electric and Telephone Company, Edgerton, Minnesota; to employ learners as commercial switchboard operators at its Edgerton exchange, located at Edgerton, Minnesota; effective October 9, 1944, expiring October 8, 1945.

Central Electric and Telephone Company, Farmington, Minnesota; to employ learners as commercial switchboard operators at its Farmington exchange, located at Farmington, Minnesota; effective October 9, 1944, expiring October 8, 1945.

Central Electric and Telephone Company, Lakefield, Minnesota; to employ learners as commercial switchboard operators at its Lakefield exchange, located at Lakefield, Minnesota; effective October 9, 1944, expiring October 8, 1945.

Central Electric and Telephone Company, Madison, Minnesota; to employ learners as commercial switchboard operators at its Madison exchange; located at Madison, Minnesota; effective October 9, 1944, expiring October 8, 1945.

Central Electric and Telephone Company, New Richland, Minnesota; to employ learners as commercial switchboard operators at its New Richland exchange, located at New Richland, Minnesota; effective October 9, 1944, expiring October 8, 1945.

Central Electric and Telephone Company, Slayton, Minnesota; to employ learners as commercial switchboard operators at its Slayton exchange, located at Slayton, Minnesota; effective October 9, 1944, expiring October 8, 1945.

Central Electric and Telephone Company, Sioux Falls Gas Building, Sioux Falls, South Dakota; to employ 2 learners as commercial switchboard operators for the purpose of abnormal turnover at its Devils Lake exchange, located at Devils Lake, North Dakota; effective October 9, 1944, expiring October 8, 1945.

Central Electric and Telephone Company, New Rockford, North Dakota; to employ learners as commercial switchboard operators at its New Rockford exchange, located at New Rockford, North Dakota; effective October 9, 1944, expiring October 8, 1945.

Central Electric and Telephone Company, Sioux Falls Gas Building, Sioux Falls, South Dakota; to employ 2 learners as commercial switchboard operators for the purpose of abnormal turnover at its Charles Town exchange, located at Charles Town, West Virginia; effective October 9, 1944, expiring October 8, 1945.

Central Electric and Telephone Company, Romney, West Virginia; to employ learners as commercial switchboard operators at its Romney exchange, located at Romney, West Virginia; effective October 9, 1944, expiring October 8, 1945.

Central Iowa Telephone Company, Belle Plaine, Iowa; to employ learners as commercial switchboard operators at its Belle Plaine exchange, located at Belle Plaine, Iowa; effective October 12, 1944, expiring October 11, 1945.

Central Towa Telephone Company, Williamsburg, Iowa; to employ learners as commercial switchboard operators at its Williamsburg exchange, located at Williamsburg, Iowa; effective October 20, 1944, expiring October 19, 1945.

October 19, 1945.

Iowa-Illinois Telèphone Company, Sioux Falls Gas Building, Sioux Falls, South Dakota; to employ 2 learners as commercial switchboard operators for the purpose of abnormal turnover at its Columbus Junction, Iowa; effective October 9, 1944, expiring October 8, 1945.

Iowa-Illinois Telephone Company, Sloux Falls Gas Bullding, Sloux Falls, South Dakota; to employ 2 learners as commercial switchboard operators for the purpose of abnormal turnover at its Eldon exchange, located at Eldon, Iowa; effective October 9, 1944, expiring October 8, 1945.

Iowa-Illinois Telephone Company, Sloux Falls Gas Bullding, Sloux Falls, South Dakota; to employ 2 learners as commercial switchboard operators for the purpose of abnormal turnover at its New London exchange, located at New London, Iowa; effective October 9, 1944, expiring October 8, 1945.

tive October 9, 1944, expiring October 8, 1945.

Iowa-Illinois Telephone Company, Sioux Falls Gas Building, Sioux Falls, South Dakota: to employ 2 learners as commercial switchboard operators for the purpose of abnormal turnover at its Winfield exchange, located at Winfield, Iowa; effective October 9, 1944 expiring October 8, 1945.

1944, expiring October 8, 1945.

La Crosse Telephone Corporation, West Salem, Wisconsin; to employ learners as commercial switchboard operators at its West Salem exchange, located at West Salem, Wisconsin, effective October 9, 1944, expiring October 8, 1945.

Middle States Telephone Company of Illnois, Lacon, Illinois; to employ learners as commercial switchboard operators at its Lacon exchange, located at Lacon, Illinois; effective October 9, 1944, expiring October 8, 1945.

Mutual Telephone Company of Mediapolis, Mediapolis, Iowa; to employ learners as commercial switchboard operators at its Mediapolis exchange, located at Mediapolis, Iowa; effective October 7, 1944, expiring October 6, 1945.

Virginia Telephone and Telegraph Company, Sloux Falls Gas Building, Sloux Falls, South Dakota; to employ 2 learners as commercial switchboard operators for the purpose of abnormal turnover at its Farmville exchange, located at Farmville, Virginia; effective October 9, 1944, expiring October 8, 1945.

Virginia Telephone and Telegraph Company, Sloux Falls Gas Building, Sloux Falls, South Dakota; to employ 2 learners as commercial switchboard operators for the purpose of abnormal turnover at its Luray exchange, located at Luray, Virginia; effective October 9, 1944, expiring October 8, 1945.
Virginia Telephone and Telegraph Company, Sloux Falls Gas Building, Sloux Falls,

Virginia Telephone and Telegraph Company, Sloux Falls Gas Building, Sloux Falls, South Dakota; to employ 2 learners as commercial switchboard operators for the purpose of abnormal turnover at its South Boston exchange, located at South Boston, Virginia; effective October 9, 1944, Expiring October 8, 1945.

Western Illinois Telephone Company, Sioux Falls Gas Building, Sioux Falls, South Dakota; to employ 4 learners as commercial switchboard operators for the purpose of abnormal turnover at its Aledo exchange, located at Aledo, Illinois, effective October 9, 1944, expiring October 8, 1945.

#### TEXTLE PIDUSTRY

Fife Fabrics, Incorporated, 626 North Locust Street, Momence, Illinois; drapery and novelty fabrics; 2 learners (T); effective October 5, 1944, expiring October 4, 1945. Signed at New York, N. Y., this 10th day of October 1944,

PAULINE C. GILBERT,
Authorized Representative
of the Administrator.

[F. R. Dac. 44-15745; Filed, Oct. 11, 1944; 4:53 p. m.]

LEARNER EMPLOYMENT CERTIFICATES
ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the act are issued under Section 14 thereof and part 522.5 (b) of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective as of the date specified in each listed item below.

The employment of learners under these certificates is limited to the terms and conditions as designated opposite the employer's name. These certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The certificates may be cancelled in the manner provided for in the regulations and as indicated on the certificate. Any person aggrieved by the issuance of the certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FRAM, PRODUCT, NUMBER OF EXAMPLES, LEARNING PERIOD, LEARNING WAGE, LEARNING OCCUPATION, EXPIRATION DATE

Citizens State Bank, Osage City, Kanses; banking; 1 learner; clerk-posting machine operator for a learning period of 240 hours at 35 cents per hour; effective October 9, 1944, expiring April 9, 1945.

expiring April 9, 1945.
The First National Bank, 525 Main Street,
Newton, Kansas; banking; 2 learners; clerkposting machine operator for a learning period of 249 hours at 35 cents per hour; effective October 9, 1944, expiring April 9, 1945.

tive October 9, 1944, expiring April 9, 1945.
Goldfield State Bank and Trust Company,
Goldfield, Iowa; banking; 2 learners; bookkeeper-posting machine operator for a learning period of 240 hours at 35 cents per hour;
effective October 9, 1944, expiring April 9,
1945.

The Hanlon Paper Company, 243 South Gardner Street, Barnesville, Ohio; printing adverticements on paper bags and envelopes; I learner; printing press feeder for a learning period of 480 hours at 30 cents per hour for the first 320 hours and 35 cents per hour for the next 160 hours; effective October 9, 1944, expiring April 9, 1945.

The Ronceverte National Bank, Ronceverte, West Virginia; banking: 1 learner; clerk-posting machine operator for a learning period of 240 hours at 35 cents per hour; effective October 9, 1944, expiring April 9, 1945.

Signed at New York, N. Y., this 10th day of October 1944.

PAULINE C. GILEERT, Authorized Representative of the Administrator.

[F. R. Doc. 44-15746; Filed, Oct. 11, 1944; 4:53 p. m.]

# CIVIL AERONAUTICS BOARD.

[Docket No. 651 et al.]

KANSAS CITY, TULSA AND NEW ORLEANS SERVICE

NOTICE OF POSTFONEMENT OF ORAL ARGUMENT

In the matter of the applications of Mid-Continent Airlines, Inc., Delta Air Corporation and National Airlines, Inc., for certificates and amendments of certificates of public convenience and necessity under section 401 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said act, that oral argument in the above-entitled proceeding now assigned for October 16, 1944, is hereby postponed to be held October 23, 1944, at 10 a.m. (eastern war time) in Room 5042, Commerce Building, 14th Street and Constitution Avenue, N. W., Washington, D. C., before the Board.

Dated: Washington, D. C., October 10, 1944.

By the Civil Aeronautics Board.

[SEAL]

FRED A. TOOMBS, Secretary.

[F. R. Doc. 44-15750; Filed, Oct. 12, 1944; 10:16 a. m.]

# FEDERAL COMMUNICATIONS COM-

[Docket No. 6667] -

MIDLAND BROADCASTING Co.

# NOTICE OF HEARING

In re application of Midland Broad-casting Company (KMBC); date filed, May 31, 1944; for construction permit to change frequency, increase power, install new transmitter and vertical antenna, and change transmitter location; class of service, broadcast; class of station, broadcast; location, Kansas City, Missouri; operating assignment specified: frequency, 540 kc; power, 50 kw; hours of operation, unlimited time. File No. B4-P-3629.

You are hereby notified that the Commission has examined the application in the above-entitled case and has designated the matter for hearing for the following reasons:

1. To determine whether the granting of this application would be consistent with § 2.71 of the Commission's rules and regulations.

2. To determine whether, in view of the evidence adduced at the hearing upon the foregoing issues, public interest,

convenience and necessity would be served by the granting of this application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant herein, who desire to be heard must file a petition to intervene in accordance with the provisions of §§ 1.102, 1.141 and 1.142 of the Commission's rules of practice and procedure.

The applicant's address is as follows: Midland Broadcasting Company, Radio Station KMBC, Pickwick Hotel, 10th and McGee Streets, Kansas City, Missouri.

Dated at-Washington, D. C., October 10, 1944.

By the Commission.

[SEAL]

T. J. SLOWIE, Secretary.

[F. R. Doc. 44-15768; Filed, Oct. 12, 1944; .11:11 a. m.]

#### [Docket No. 6673]

#### ALABAMA BROADCASTING Co., INC.

#### NOTICE OF HEARING

In re application of Alabama Broadcasting Company, Incorporated (New); date filed, April 1, 1944; for construction permit; class of service, broadcast; class of station, broadcast; location, Sylacauga, Alabama; operating assignment specified: frequency, 1340 kc; power, 250 w; hours of operation, unlimited time. File No. B3-P-3594.

You are hereby notified that the Commission has examined the application in the above-entitled case and has designated the matter for hearing for the following reasons:

1. To determine the legal, financial, technical and other qualifications of the applicant corporation to construct and operate the proposed station.

2. To determine the areas and populations which would receive primary service from the operation of the proposed station, and what other broadcast services are available to these areas and populations.

3. To obtain full information with respect to the plans of residents of Birmingham, Alabama, to provide broadcast services to Sylacauga, Alabama.

4. To determine whether the applicant corporation proposes to continue the operation of the proposed station in Sylacauga, Alabama, in the event that a construction permit and license are granted.

5. To obtain full information with respect to the nature and character of the program service proposed and whether it will provide for the program needs of the areas and populations proposed to be served.

6. To determine whether the granting of this application would serve an outstanding public need or national interest, within the meaning of the Commission's supplemental statement of policy of January 26, 1944.

7. To determine whether the granting of this application would otherwise be consistent with the Commission's supplemental statement of policy of January 26, 1944.

8. To determine whether, in view of the foregoing issues, the granting of this application would serve public interest, convenience or necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by

means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of \$1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant herein, who desire to be heard must file a petition to intervene in accordance with the provisions of §§ 1.102, 1.141, and 1.142 of the Commission's rules of practice and procedure.

The applicant's address is as follows: Alabama Broadcasting Company, Incorporated (New), % Ernest E. Forbes, Sr., 403 North 20th Street, Birmingham 3, Alabama.

Dated at Washington, D. C., October 10, 1944.

By the Commission.

[SEAL]

T. J. SLOWIE, Secretary.

[F. R. Doc. 44-15769; Filed, Oct. 12, 1944; 11:11 a. m.]

# FEDERAL TRADE COMMISSION.

[File No. 21-382]

WATER HEATER INDUSTRY

NOTICE OF HEARING, AND OF OPPORTUNITY TO PRESENT VIEWS, SUGGESTIONS, OR OBJECTIONS

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 11th day of October, A. D. 1944.

Opportunity is hereby extended by the Federal Trade Commission to any and all persons, partnerships, corporations, associations or other parties or groups affected by or having an interest in the proposed trade practice rules for the Water Heater Industry to present to the Commission their views concerning such rules, including such pertinent information, suggestions, or objections as they may desire to submit, and to be heard in the premises. For this purpose they may obtain copies of the proposed rules upon application to the Commission. Matters submitted in writing should be filed with the Commission not later than November 21, 1944. Opportunity for oral hearing and presentation will be afforded at 10 a.m., November 21, 1944, in Room 532, Federal Trade Commission Building. Constitution Avenue at Sixth Street, NW., Washington, D. C., to any such persons, partnerships, corporations, associations or other parties or groups as may desire to appear and be heard. After duly considering all matters presented concerning the proposed rules, the Commission will proceed to their final consideration.

By the Commission.

OTIS B. JOHNSON, Secretary.

[F. R. Doc. 44-15774; Filed, Oct. 12, 1944; 11:24 a. m.]

INTERSTATE COMMERCE COMMIS-SION.

[S. O. 70-A, Special Permit 574]

RECONSIGNMENT OF POTATOES AT CHICAGO,

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Chicago, Illinois, October 9, 1944, by Bacon Brothers, of car MDT 21833, potatoes, now on the Wood Street Terminal, to Dixon State Hospital, Dixon, Illinois.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 9th day of October 1944.

V. C. CLINGER,

Director,

Bureau of Service.

[F. R. Doc. 44-15776; Filed, Oct. 12, 1944; 11:22 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 4207]

CARL ROBERT WINKLER

In re: Estate of Carl Robert Winkler, deceased; File No. D-28-2400; E. T. sec. 4315.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended and pursuant to law, the undersigned, after investigation, finding:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Ernst Winkler, Anna Parthum, Paul Winkler, Martha Vogel, Max Winkler, Alma Dost, Hedwig Hartig, Richard Winkler, Ernst Scheibe, Willy Scheibe, Frieda Wiegelt, Elca Chemnitz and Helene Fischer, and each of them, in and to the estate of Carl Robert Winkler, deceased.

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Ernst Winkler, Germany.
Anna Parthum, Germany.
Paul Winkler, Germany.
Martha Vogel, Germany.
Max Winkler, Germany.
Alma Dost, Germany.
Hedwig Hartig, Germany.
Richard Winkler, Germany.
Ernst Schelbe, Germany.
Willy Schelbe, Germany.
Frieda Wiegelt, Germany.
Elsa Chemnitz, Germany.
Helene Fischer, Germany.

That such property is in the process of administration by Carl F. Bollmann, as administrator of the estate of Carl Robert Winkler, deceased, acting under the judicial supervision of the Court of Probate, District of New Haven, State of Connecticut;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Allen Property Custodian. This order shall not be deemed to limit the power of the Allen Property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determinated to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on October 4, 1944.

[SEAL] JAMES E. MARKHAM, Alien Property Custodian.

[F. R. Doc. 44-15764; Filed, Oct. 12, 1944; 11:14 a. m.]

[Vesting Order 4203]

MARY JANE ROBERTSON

In re: Estate of Mary Jane Robertson, deceased; File D-28-4294; E. T. sec. 7329.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law; the undersigned, after investigation, finding;

That the property described as follows:
All right, title, interest and claim of any lind or character whatsever of Marie Schulze in and to the Estate of Mary Jane Robertson, deceased,

is property payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Marie Schulze, Germany.

That such property is in the process of administration by Thomas M. McKinley, Esq., as Executor of the Estate of Mary Jane Robertson, acting under the judicial supervision of the Surrogate's Court of Westchester County, New York;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated onemy country. (German)

enemy country, (Germany);
And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest.

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any of such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C. on October 5, 1944.

[SEAL] James E. Markham, Alien Property Custodian.

[F. R. Dac. 44-15765; Filed, Oct. 12, 1944; 11:14 a. m.]

[Vesting Order 4209] NICHOLAS P. TSIGAROS

In re: Trust under the will of Nicholas P. Tsigaros, deceased; File D-57-52; E. T. sec. 1202.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Despena G. Tsigaros, Panages G. Tsigaros, Metaxas (Metaxis) G. Tsigaros and George P. Tsigaros, and each of them, in and to the trust created under the Will of Nicholas P. Tsigaros, deceased.

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Rumania, namely,

Nationals and Last Known Address

Despena G. Tsigaros, Rumania. Panages G. Tsigaros, Rumania. Metaxas (Metaxis) G. Tsigaros, Rumania. George P. Tsigaros, Rumania.

That such property is in the process of administration by The Sussex & Merchants National Bank, as Executor and Trustee of the Trust under the Will of Nicholas P. Tsigaros, acting under the judicial supervision of the Sussex County Orphans' Court, Newton, New Jersey.

Newton, New Jersey,
And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requiges that such persons be treated as nationals of a designated enemy country, (Rumania);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national

interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have

the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on October 5, 1944.

[SEAL] JAMI

James E. Markham, Alien Property Custodian.

[F. R. Doc. 44-15766; Filed, Oct. 12, 1944; 11:14 a. m.]

# [Vesting Order 4210]

#### ANNA VIOHL

In re: Estate of Anna Viohl, deceased; File D-28-8651; E. T. sec. 10415.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Greta Schnakenberg, Anna Hasselmann, Martha Willen, Georg Willen, Frieda Willen and Aline Willen, and each of them, in and to the Estate of Anna Viohl, deceased.

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address Greta Schnakenberg, Germany. Anna Hasselmann, Germany. Martha Willen, Germany. Georg Willen, Germany. Frieda Willen, Germany.

That such property is in the process of administration by Charles Viohl, as Executor of the Estate of Anna Viohl, acting under the judicial supervision of the Surrogate's Court of Bronx County, New York;

Aline Willen, Germany.

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

nated enemy country, (Germany);
And having made all determinations and taken all action required by law, including appropriate consultation, and certification, and deeming it necessary in the national interest.

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as

may be allowed, file with the Allen Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on October 5, 1944.

[SEAL]

James E. Markham, Alien Property Custodian.

[F. R. Doc. 44-15767; Filed, Oct. 12, 1944; 11:14 a. m.]

#### OFFICE OF PRICE ADMINISTRATION.

[MPR 260, Order 71

INTER-STATE CIGAR CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102a of Maximum Price Regulation No. 260, as amended, It is ordered, That:

(a) The Inter-State Cigar Company, 131 Varick Street, New York 13, New York (hereinafter called "importer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand, frontmark and packing of the following imported cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Frontmark	Packing	Maxi- mum list price	Maxi- mum retail price
Olíver	Commandos Exquisitos Coronas Medias Coronas Petit Cetros	25 25 25 25 25 25	\$105, 75 203, 50 310, 00 195, 75 203, 50	Cents 23 23 42 42 23 23 28

(b) The importer and wholesalers shall grant, with respect to their sales of each brand and frontmark of imported cigars for which maximum prices are established by this order, the discounts they customarily granted during March 1942 on their sales of imported cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the importer or a wholesaler during March 1942 on sales of imported cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the importer or a wholesaler during March 1942 on sales of imported cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and frontmark of cigars priced by this order and shall not

be reduced. If a brand or frontmark of imported cigars for which maximum prices are established by this order is of a price class not sold by the importer or the particular wholesaler during March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) during March 1942 by his most closely competitive seller of the same class on sales of imported cigars of the same price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and frontmark of imported cigars for which maxi-. mum prices are established by this order, the importer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and frontmark of imported cigars. The notice shall conform to and be given in the manner prescribed by § 1358.102a of Maximum Price Regulation No. 260, as amended.

(d) Unless the context otherwise requires, the provisions of Maximum Price Regulation No. 260, as amended, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective October 13, 1944.

Issued this 12th day of October 1944.

CHESTER BOWLES. Administrator.

IF. R. Doc. 44-15787; Filed, Oct. 12, 1944; 11:43 a. m.]

> [RMPR 131, Order 15] FIDELITY MFG. Co.

ADJUSTMENT OF MAXIMUM PRICES

# Correction

In paragraph (a) (1) of F.R. Doc. 44-12969, appearing at page 10515 of the issue for Tuesday, August 29, 1944, the can size should read: "1¾" x 4¾"."

[MPR 260, Order 8]

EHRMAN BROS., HORN & Co.

\_ APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358,102a of Maximum Price Regulation No. 260, as amended, It is ordered,

(a) Ehrman Brothers, Horn & Company, 360 Sixth Street, San Francisco 3. California (hereinafter called "importer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand, frontmark and packing of the following imported cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Frontmerk	Packing	Maxi- mum list price	Maxi- mum retail priso
Menendez, Garcia.	Alongo Men- endez 22.	ដ	ജ്ജാത	£9.44
Menendez, Garcia Menendez, Garcia Castaneda Castaneda	El Patio A El Patio de Media Cerena Selectes	มธยม	259, 69 161, 50 201, 75 100, 00	%. %. %. %. %. %. %. %. %. %. %. %. %. %

(b) The importer and wholesalers shall grant, with respect to their sales of each brand and frontmark of imported cigars for which maximum prices are established by this order, the discounts they customarily granted during March 1942 on their sales of imported cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the importer or a wholesaler during March 1942 on sales of imported cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the importer or a wholesaler during March 1942 on sales of imported cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and frontmark of cigars priced by this order and shall not be reduced. If a brand or frontmark of imported cigars for which maximum prices are established by this order is of a price class not sold by the importer or the particular wholesaler during March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) during March 1942 by his most closely competitive seller of the same class on sales of imported cigars of the same price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and frontmark of imported cigars for which maximum prices are established by this order. the importer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and frontmark of imported cigars. The notice shall conform to and be given in the manner prescribed by § 1358.102a of Maximum Price Regulation No. 260, as amended.

(d) Unless the context otherwise requires, the provisions of Maximum Price Regulation No. 260, as amended, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective October 13, 1944.

Issued this 12th day of October 1944.

CHESTER BOWLES. Administrator.

[F. R. Doc. 44-15788; Filed, Oct. 12, 1944; 11:44 a. m.)

[MPR 183, Order 2203] HOWARD WOOD SPECIALTY CO. ADJUSTMENT OF MAXIMUM PRICES Correction

The designation for the third paragraph, beginning "For all sales \* appearing at page 10516 of the issue for Tuesday, August 29, 1944, F. R. Doc. 44-12973, should be: "(ii)".

[Maximum Import Price Reg., Order 51] TAPICCA FLOUR PRODUCED'IN SANTO DOMINGO AND BRAZIL

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, it is ordered:

(a) Effect of this order. This order establishes maximum prices for purchases of taploca flour from foreign sellers or their agents, and maximum prices for importers' sales of tapioca flour produced in Santo Domingo or Brazil. Except to the extent modified herein, the provisions of the Maximum Import Price Regulation shall continue to apply to purchases and sales of this commodity.

(b) Purchases of tapioca flour from foreign sellers or their agents. On and after October 13, 1944, regardless of any contract, agreement or other obligation. no person (including the United States or any agency thereof) in the course of trade or business shall buy or receive any taploca flour from a foreign seller or his agent at higher than the following prices:

> F.vo. b. accan port of origin, cents

per pound (1) Taploca flour produced in Santo Domingo.... (2) Tapleca flour produced in Brazil: (i) Grade A.....(ii) Grade B....(iii) Grade C.... 4.50 3.75

(c) Importers' sales of tapioca flour produced in Santo Domingo and Brazil. The provisions of section 3 of the Maximum Import Regulation shall apply to sales by importers of tapioca flour produced in Santo Domingo or Brazil, except that in calculating maximum prices under the provisions of said section 3, total landed costs may not include as the foreign invoice price an amount higher than the maximum price established in paragraph (b) above for the material involved.

(d) Definitions. (1) "Tapioca flour" means flour produced from the root of the cassava plant, sometimes called yucca or manioca. The following grades of Brazilian tapioca flour are based on color, viscosity, acidity (pH), ash and cleanliness as evidenced by samples of Netherlands East Indies tapioca flour on file at the office of the Tapioca Institute,

New York, N. Y.
(i) "Grade A" shall conform generally to the so-called "high-grade" tapioca flour formerly produced in the Nether-lands East Indies.

(ii) "Grade B" shall conform generally to the so-called "AA grade" of tapicca flour formerly produced in the Netherlands East Indies.

(iii) "Grade C" shall conform generally to the so-called "A grade" of tapioca flour formerly produced in the Netherlands East Indies.

(2) "Ocean port of origin" means the foreign port at which tapioca flour is loaded on an ocean vessel bound for the United States.

(3) Except as modified herein, the definitions in the Maximum Import Price Regulation shall apply to all other terms used in this order.

(e) Current records. Every person making a purchase of tapioca flour produced in Santo Domingo or Brazil from a foreign seller or his agent, shall prepare and preserve complete and accurate records of each such purchase for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect. Such records shall include the name and address of the seller, the date of the purchase, the quantity purchased, and the price charged.

This order shall become effective October 13, 1944.

Note: All record keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 12th day of October 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-15786; Filed, Oct. 12, 1944; 11:44 a m.]

[FPR 2, Order 1 to Supp. 3]
BARLEY

ADJUSTMENT OF MAXIMUM PRICES

### Correction

In F. R. Doc. 44–13003, appearing at page 10516 of the issue for Tuesday, August 29, 1944, the price opposite "Duluth, Minn." in paragraph (a) should be: "\$1.153/4 C. i. f."

# SECURITIES AND EXCHANGE COM-MISSION.

[File Nos. 70-911, 70-912, 70-913]

ARKANSAS-MISSOURI POWER CORP., ET AL.

ORDER PERMITTING WITHDRAWAL

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 9th day of October, A. D., 1944.

In the matters of Arkansas-Missouri Power Corporation, File No. 70–911; John E. Dwyer, Trustee of the estate of Inland Power & Light Corporation, File No. 70–912; Central States Edison, Inc., File No. 70–913.

Arkansas-Missouri Power Corporation ("Arkansas"), John E. Dwyer, Trustee of the Estate of Inland Power & Light Corporation ("Inland") and Central States Edison, Inc. ("Central"), all registered holding companies, having heretofore

filed applications and declarations regarding, among other things, the sale to Central by Inland of the outstanding common stock of Missouri Edison Company and the sale to Central by Arkansas of the outstanding common stock of East Missouri Power Company; and

Requests having been filed by Arkansas, Inland and Central for leave to withdraw said pending applications and declarations and requesting that no order be entered by the Commission with respect to the subject matter of said applications and declarations; and

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers to permit the withdrawals requested;

It is ordered, That Arkansas, Inland and Central be and hereby are permitted to withdraw said applications and declarations.

By the Commission.

[SEAL]

ORVAL L. DuBois, Secretary.

[F. R. Doc. 44-15736; Filed, Oct. 11, 1944; 2:58 p. m.]

[File No. 70-960]

# PHILADELPHIA ELECTRIC CO.

# ORDER DENYING EXEMPTION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 9th day of October 1944.

Applications having been filed by. Philadelphia Electric Company under the Public Utility Holding Company Act of 1935 with regard to the proposed issue and sale by said company of \$65,000,000 principal amount of First and Refunding Mortgage Bonds, 234% Series, due 1967, and \$65,000,000 principal amount of First and Refunding Mortgage Bonds, 234% Series, due 1974; and

Said company having requested that such issue and sale be exempted from the provisions of Rule U-50 of the General Rules and Regulations promulgated under said act; the Commission having duly considered the matter and having this day issued its opinion therein;

In accordance with said opinion, and pursuant to the applicable provisions of said Act and Rule U-50,

It is ordered, That said request for exemption from the provisions of Rule U-50 of the general rules and regulations promulgated under the act be, and hereby is, denied.

By the Commission.

[SEAL]

· ORVAL L. DUBOIS, Secretary.

[F. R. Doc. 44-15737; Filed, Oct. 11, 1944; 2:58 p. m.]

[File Nos. 54-106; 31-524, 54-107, 31-523, 59-52]

Buffalo, Niagara and Eastern Power Corp., et al.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania on the 9th day of October 1944.

In the matters of Buffalo, Niagara and Eastern Power Corporation, File Nos.

54-106; 31-524; Niagara Hudson Power Corporation, File Nos. 54-107; 31-523; Niagara Hudson Power Corporation and Its Subsidiary Companies, Respondents, File No. 59-52.

I. Notice is hereby given that Buffalo, Niagara and Eastern Power Corporation ("Buffalo Niagara"), a holding company and a subsidiary company of Niagara Hudson Power Corporation ("Niagara Hudson"), a holding company, and of The United Corporation, a registered holding company, has filed a plan pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 for the purpose of effecting compliance with section 11 (b) of the act.

Notice is further given that Niagara Hudson, a holding company and a subsidiary, company of The United Corporation, a registered holding company, has filed a plan pursuant to section 11 (e) of the act for the purpose of enabling Buffalo Niagara to comply with the provisions of section 11 (b) of the act.

All interested persons are referred to said plans, on file in the office of this Commission, for a full statement of the transactions therein proposed, which are summarized as follows:

Provisions appearing in both plans.

1. Buffalo Niagara, together with three of its subsidiaries, Buffalo Niagara Elcctric Corporation, Niagara, - Lockport and Ontario Power Company and The Lockport and Newfane Power and Water Supply Company, will be consolidated into Buffalo Niagara Electric Corporation (the "Consolidated Company").
All the capital stock of The Niagara Falls Power Company, presently owned by Buffalo Niagara, and of Hydraulic Race Company and Lower Niagara River Power and Water Supply Company, presently owned by Niagara, Lockport and Ontario Power Company, will be owned by the Consolidated Company. The Niagara Falls Power Company will continue to own all the capital stock of Canadian Niagara Power Company, Limited, Gorge View Park, Inc., and Niagara Junction Railway Company. The following tables show the relationships, respectively, of Buffalo Niagara and its subsidiary companies at present. and of the Consolidated Company and its subsidiaries after giving effect to the proposed consolidation:

#### BEFORE CONSOLIDATION

Buffalo, Niagara and Eastern Power Corporation.

Buffalo Niagara Electric Corporation. Niagara, Lockport and Ontario Power Co. Hydraulic Race Co.

Lower Niagara River Power and Water Supply Co. The Lockport and Newfane Power and

Water Supply Co.
The Niagara Falls Power Co.
Canadian Niagara Power Co., Ltd.

Gorge View Park, Inc. Niagara Junction Railway Co.

### AFTER CONSOLIDATION

Buffalo Niagara Electric Corporation.
The Niagara Falls Power Co.
Canadian Niagara Power Co., Ltd.
Gorge View Park, Inc.
Niagara Junction Rallway Co.
Hydraulic Race Co.
Lower Niagara River Power and Water
Supply Co.

2. The following tabulation shows the outstanding securities of the constituent companies in the proposed consolidation at June 30, 1944, and their ownership by Niagara Hudson, Buffalo Niagara and others:

•	Far or stated value or principal amount			
	Held by Niagara Hudson	Held by Buffals Nizgam	Held by others	
BUFFALO NIAGABA			,	
Common stock, 2,020,125 shares without par value	\$2,020,118,25 501,433,00		\$0,73	
\$1.60 cumulative preferred stock, 2,096,725 shares, \$25 par value. \$5 cumulative first preferred stock, 350,000 shares without	313,631,25		62, 104, 423, 73	
par value	1,000,000.00		85,000,000.00	
BUFFALO NIAGARA ELECTRIC CORPORATION		007 101 003		
Common stock Nortgage bonds 3/4-percent debentures 2/4-percent debentures		\$27,404,223	37, 223, 666, 60 634, 660, 60 7, 200, 600, 60	
2½-percent debentures			7,200,000.00	
Common stock Mortgage bonds		20,693,000	2,65.00.00	
THE LOCEPORT & NEWFANE POWER & WATER SUPPLY CO.		•	2)06,000	
Common stock		<b>C</b> S3, 200		

3. The capital stock of the Consolidated Company, initially to be issued, will consist of 350,000 shares of \$100 par value preferred stock, 4% series (\$4 preferred Stock), and shares of no par value common stock (2,764,912 shares under the Buffalo Niagara plan, and 3,225,000 shares under the Niagara Hudson plan) with a stated value of \$26,000,000.

4. The \$5 preferred stock of Buffalo Niagara, of which 350,000 shares are issued and oustanding, will be converted into the \$4 preferred stock of the Consolidated Company. Each holder of shares of the \$5 preferred stock of Buffalo Niagara will receive a like number of shares of the \$4 preferred stock of the Consolidated Company, plus cash equal to all unpaid dividends on the \$5 preferred stock accrued at the date of consolidation, when dividends will begin to accrue on the \$4 preferred stock. Holders of the \$5 preferred stock will be permitted to elect whether to retain the shares of \$4 preferred stock they will receive, or in lieu thereof to sell such shares for an amount of cash equal to the full redemption price of the shares of \$5 preferred stock held by them at the date of consolidation, to wit, \$105 per share plus an amount equal to accrued dividends at the rate of \$5 per share per annum from the date of consolidation to the date designated for the sale. The Consolidated Company will arrange with underwriters for the purchase by such underwriters, directly from those holders who elect to take cash, of the shares of \$4 preferred stock which they will receive upon consummation of the consolidation. The underwriters' commissions, including any cash required to provide for payments equal to the full redemption price of the \$5 preferred stock, will be paid to the underwriters by the Consolidated Company.

5. Holders of the \$4 preferred stock of the Consolidated Company will have the right to elect a majority of the board of directors if and when dividends shall be

in default thereon in an amount equivalent to four full quarterly dividends, and until all such dividends then in default shall be paid, or declared and set apart for payment. The approval of holders of % of such stock will be required for the authorization of any stock of prior ranking as to assets or dividends, and for the amendment of the provisions applicable to such stock in any manner substantially prejudicial to the holders thereof. Approval by the holders of a majority of such stock will be required for the issuance of any unsecured indebtedness in excess of 10% of the sum of the Consolidated Company's secured indebtedness, capital and consolidated surplus for purposes other than refunding of outstanding unsecured securities (or, under the Buffalo Niagara plan, secured securities) or the retirement of outstanding preferred stock, and for the merger or consolidation under the laws of New York with or into any other corporation, unless such merger or consolidation, or the issuance and assumption of all securities to be issued or assumed in connection therewith, have been ordered, approved or permitted by the regulatory authority having jurisdiction. Except for the above provisions, the common stock of the Consolidated Company will have all the voting power.

6. At the first election of directors of the Consolidated Company, nominations by holders of the common stock will be invited, one candidate to be nominated by the holder or holders of 1000 shares or more of the common stock. The slate will be limited to twice the number of directors to be elected, and will consist of nominees nominated by the largest numbers of shares. The notice of the meeting to be held for election of directors will be accompanied by impartial proxies to be circulated at the expense of the Consolidated Company.

7. At June 30, 1944, the constituent companies had outstanding \$68,485,500

principal amount of funded debt. The Consolidated Company intends to refund \$57,340,000 principal amount thereof, bearing interest at an average rate of 4.378%, through issuance and sale by the Consolidated Company of an equivalent principal amount of its 30 year First Mortgage Bonds, to be sold at an interest cost not expected to exceed 3%. The Consolidated Company intends to pay \$3,945,500 principal amount of the outstanding funded debt of the constituent companies, at or prior to the date of refunding, and to leave outstanding the \$7,200,000 principal amount of  $2\frac{1}{4}$ % debentures of Buffalo Niagara Electric Corporation.

8. The \$1,000,000 6% demand note of Buffalo Niagara, held by Niagara Hudson, will be refunded by issuance to Niagara Hudson of a note of the Consolidated Company in said amount payable on or before February 1, 1952, with interest

at 2½%

III. Plan of Buffalo Niagara. 9. The Consolidated Company will issue 2,764,-912 shares of its common stock to the holders of the \$1.60 preferred stock, Class A stock and common stock of Buffalo Niagara. Such stock of Buffalo Niagara will be converted into common stock of the Consolidated Company on the follow-

ing basis:

(a) The \$1.60 preferred stock of Buffalo Niagara, of which 2,096,725 shares are outstanding, will be converted into 2,516,-070 shares of the common stock of the Consolidated Company, representing 91% of the total number of shares to be initially issued. The holders of the \$1.60 preferred stock, including Niagara Hudson, will receive for each share of such stock 11/2 shares of the common stock of the Consolidated Company, in full satisfaction of all their rights as stockholders of Buffalo Niagara. If the consolidation is not consummated prior to January 1, 1945, the holders of the \$1.60 preferred stock will receive, in addition, cash equal to dividends accrued at the rate of \$1.60 per share per annum from January 1, 1945, to the date of consolidation. Scrip certificates will be issued for fractional shares, exchangeable for full shares up to one year from the date of consolidation. Thereafter, shares represented by unexchanged scrip will be sold by the Consolidated Company, the proceeds to be distributed pro rata to the bearers of the unexchanged scrip from time to time during a period of two years. After the expiration of said two years, all unsurrendered scrip certificates will become vold.

(b) The 501,493 shares of Class A stock and 2,020,1181/4 shares of common stock of Buffalo Niagara presently held by Niagara Hudson will be converted into 248,842 shares of the common stock of the Consolidated Company, representing 970 of the total number of shares to be initially issued.

(c) Holders of the outstanding scrip certificates representing, in the aggregate, 6% shares of the common stock of Buffalo Niagara, will receive from the Consolidated Company the sum of \$6.75 in cash, to be distributed among them

pro rata

10. The proposed certificate of consolidation will be submitted to the stockholders of each constituent company entitled to vote, pursuant to the provisions of the applicable statutes of the State of New York. At the meetings of stockholders of Buffalo Niagara Electric Corporation, Niagara, Lockport and Ontario Power Company and The Lockport and Newfane Power and Water Supply Company, Buffalo Niagara shall vote all the outstanding stock of such companies in favor of the consolidation. At the meeting of stockholders of Buffalo Niagara, Niagara Hudson shall vote all Class A and common stock of Buffalo Niagara owned by Niagara Hudson in favor of the consolidation. No additional votes will be required by the applicable statutes of the State of New York in order to effectuate the consolida-

 At all elections of directors of the Consolidated Company, its stockholders will have the right of cumulative voting.

12. Buffalo Niagara, or the Consolidated Company, will pay such expenses, fees and remuneration connected with the reorganization as it may be lawfully obligated to pay in amounts to be approved by the Commission.

13. The Commission is requested to apply to a district court to enforce and carry out those terms and provisions of the plan which provide for the consolidation described therein, the procedure for making it effective, the distribution of stock of the consolidated operating company, and the limitation of the rights of Buffalo Niagara stockholders to those specified in the plan.

IV. Plan of Niagara Hudson. 9. The Consolidated Company will issue 3,225,-000 shares of its common stock to the holders of the \$1.60 preferred stock, Class A stock and common stock of Buffalo Niagara. Such stock of Buffalo Niagara will be converted into common stock of the Consolidated Company/on

the following basis:

(a) The \$1.60 preferred stock of Buffalo Niagara, of which 2,096,725 shares are outstanding, will be converted into 2.096.725 shares of the common stock of the Consolidated Company, representing 65% of the total number of shares to be initially issued. The holders of the \$1.60 preferred stock, including Niagara Hudson, will receive for each share of such stock one share of the common stock of the Consolidated Company, in full satisfaction of all their rights as stockholders of Buffalo Niagara. If the consolidation is not consummated prior to January 1, 1945 the holders of the \$1.60 preferred stock will receive, in addition, cash equal to dividends accrued at the rate of \$1.60 per share per annum from January 1, 1945, to the date of consolidation.

(b) The Class A stock of Buffalo Niagara, of which 501,493 shares are outstanding, all held by Niagara Hūdson, will be converted into 225,655 shares of the common stock of the Consolidated Company. The common stock of Buf-

falo Niagara, of which 2,020,125 shares are outstanding (2,020,1181/4 shares held by Niagara Hudson), will be converted into 902,620 shares of the common stock of the Consolidated Company. Altogether, Niagara Hudson, in exchange for its holdings of Class A and common stock of Buffalo Niagara, will receive 1,128,-271.98 shares of the common stock of the Consolidated Company, representing 35% of the total number of shares to be initially issued. Holders of the outstanding scrip certificates representing. in the aggregate, 6% shares of the common stock of Buffalo Niagara, will receive scrip certificates for a total of 3.02 shares of the common stock of the Consolidated Company.

10. The proposed certificate of consolidation will be submitted to the stockholders of each constituent company entitled to vote, pursuant to the provisions of the applicable statutes of the State of New York. The plan, after approval by this Commission and, to the extent required, of the Public Service Commission of the State of New York, will be submitted to the stockholders of Niagara Hudson and of Buffalo Niagara entitled to vote thereon, and will be consummated to vote thereon, and will be consummated to the voting stock of each corporation, voting as one class.

11. No provision is made for cumulative voting.

12. The Commission is requested to make appropriate findings under Rule U-50 so that competitive bidding will not be required with respect to the issuance or sale of any stock under the plan.

13. No request is made for court enforcement. The Commission is requested to enter an order requiring that the plan, if consummated, be consummated in accordance with its provisions, and providing that the outstanding shares of stock affected by the plan shall represent no rights other than the rights accorded to the holders thereof under the plan.

V. Pending proceedings. 14. By order dated October 5, 1942, the Commission ordered that the hearings on applications filed by Niagara Hudson (File No. 31–523) and Buffalo Niagara (File No. 31–524) for exemption as holding companies pursuant to the provisions of section 3 (a) (1) of the act be consolidated with the hearings in the pending proceeding relating to Niagara Hudson and its subsidiary companies under section 11 (b) (2) and other sections of the act (File No. 59–52).

15. By order dated June 19, 1944, in the consolidated proceedings, the Commission ordered that the application of Buffalo Niagara for exemption as a holding company from the provisions of the Act be denied, in so far as applicable to the provisions of section 11 (b) (2) of the act, and further ordered that Buffalo Niagara change its capitalization by substituting one class of common stock for its outstanding \$1.60 preferred stock. Class A stock and common stock, that appropriate voting power be extended to the \$5 preferred stock of Buffalo Niagara, and that jurisdiction be reserved with respect to all issues not disposed of by the provisions of the order.

It appearing to the Commission that it is appropriate in the public interest and in the interests of investors and consumers that a hearing be held with respect to the plans filed by Buffalo Niagara and Niagara Hudson, and that neither of said plans should be approved except pursuant to further order of the Commission; and

It further appearing to the Commission that some of the evidence in the pending proceedings (File Nos. 59-52, 31-523 and 31-524) is also relevant to the issues presented by said plans, and that said proceedings and the proceedings hereby instituted in respect of said plans involve common questions of law and fact and should be consolidated;

It is ordered, That such proceedings be and the same are hereby consolidated.

It is further ordered, That a hearing in such matters under the applicable provisions of the Act and Rules of the Commission thereunder be held on November 9, 1944, at 10 a.m., e. w. t., at the offices of the Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk in Room 318 will advise as to the room where such hearing will be held.

It is further ordered, That Richard Townsend, or any officer or officers of the Commission designated by it for that purpose, shall preside at the hearings in such matters. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a trial examiner under the Commission's rules of practice.

It is further ordered, That, without limiting the scope of the issues presented in the consolidated proceedings, including those specified in our orders dated August 28, 1942, and October 5, 1942 (File Nos. 59-52, 31-523 and 31-524), particular attention will be directed at the hearings to the following matters and questions:

1. Whether either of the plans herein, as submitted or as hereafter modified, is necessary to effectuate the provisions of section 11 (b) of the act and fair and equitable to the persons affected thereby.

2. Whether consummation of either of said plans, as submitted or as hereafter modified, would constitute compliance with the order of the Commission dated June 19, 1944, or would render moot the question of such compliance.

3. Whether the allocation of the common stock to be issued by the Consolidated Company, proposed in either of said plans, is fair and equitable to the holders of the \$1.60 preferred stock, Class A stock and common stock of Buffalo Niagara, and, if not, what allocation thereof would be fair and equitable.

4. Whether the proposed issuance of \$4 preferred stock of the Consolidated Company to holders of the \$5 preferred stock of Buffalo Niagara, and the proposed offer to purchase shares of the \$4 preferred stock, are fair and equitable to the holders of the outstanding \$5 preferred stock, \$1.60 preferred stock, Class A stock and common stock of Buffalo Niagara.

5. Whether, pursuant to section 7 (d) of the act and Rule U-50, public invita-

tion of proposals for the purchase or underwriting of the \$4 preferred stock of the Consolidated Company should be required.

6. Whether the proposed refunding of the demand note of Buffalo Niagara in the principal amount of \$1,000,000 held by Niagara Hudson, by issuance of a note of the Consolidated Company in said amount, is fair and equitable to the holders of the \$5 preferred stock and \$1.60 preferred stock of Buffalo Niagara.

7. Whether the proposed securities to be issued by the Consolidated Company will be reasonably adapted to its security structure and earning power, and whether State laws applicable thereto

will have been complied with.

8. Whether, in the event that the Commission shall approve either plan as filed or as modified, the Commission shall approve such plan for purposes of section 11 (d) of the act (as well as section 11 (e)) so as to permit the Commission on its own motion, and irrespective of request therefor on the part of Buffalo Niagara or Niagara Hudson, to apply to a court for the enforcement of such plan pursuant to section 11 (d).

9. Whether, in the event that the Commission shall not approve either plan as filed or as modified, a plan proposed by the Commission or by any person having a bona fide interest in the reorganization of Buffalo Niagara should be approved by the Commission for purposes of section 11 (d), and, if proposed by the Commission, what the terms and provisions of

such plan should be.

10. Whether either of the plans, as filed or as modified, makes appropriate provision for the payment of expenses, fees and remuneration in connection with the reorganization, in what amounts such expenses, fees and remuneration should be paid, and the fair and equitable allocation thereof.

11. Generally, whether the proposed transactions are in all respects in the public interest and in the interests of investors and consumers and consistent with all applicable requirements of the act and the rules thereunder, and, if not, what modifications should be required to be made therein and what terms and conditions should be imposed to satisfy

the statutory standards.

It is further ordered, That notice of said hearing is hereby given to Buffalo Niagara, Niagara Hudson and their subsidiary companies, and to all interested persons; said notice to be given to Buffalo Niagara, Niagara Hudson and the Public Service Commission of the State of New York by registered mail, and to all other persons by publication of this notice and order in the FEDERAL REGISTER and by a general release of the Commission distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935.

It is further ordered. That Buffalo Niagara and Niagara Hudson shall give additional notice of said hearing to their respective stockholders by causing a copy of this notice and order to be mailed to them at their respective addresses as of a date not more than two weeks prior to \_ ers that a hearing be held for the purpose

the date hereof, said mailing to be made not less than three weeks prior to the date of said hearing. Any interested security holder may obtain a copy of the plan filed by Buffalo Niagara from the Secretary of Buffalo Niagara, 600 Electric Building, Buffalo 3, New York, and a copy of the plan filed by Niagara Hudson from the Secretary of Niagara Hudson, 15 Broad Street, New York 5, New York.

It is further ordered, That jurisdiction be and is hereby reserved to separate, either for hearing, in whole or in part, or for disposition, in whole or in part, any of the issues, questions or matters herein set forth or which may arise in these proceedings, to consolidate with these proceedings other filings or matters pertaining to the plans, and to take such other action as may appear conducive to an orderly, prompt, and economical disposition of the matters involved.

It is requested that any persons desiring to be heard in these proceedings shall file with the Secretary of the Commission on or before November 1, 1944, an appropriate request or application to be heard, as provided by Rule XVII of the Commission's rules of practice.

By the Commission.

[SEAL]

ORVAL L. DUBOIS, Secretary.

[F. R. Doc. 44-15735; Filed, Oct. 11, 1944; 2:59 p. m.]

[File No. 59-59]

AMERICAN STATES UTILITIES CORP., ET AL. NOTICE OF FILING OF APPLICATION AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 10th day of October, A. D., 1944.

The Commission having entered its order herein on April 9, 1943 pursuant to section 11 (b) of the Public Utility Holding Company Act of 1935 directing that American States Utilities Corporation ("American States"), among other things, shall take such action as may be necessary to cause its liquidation and dissolution;

The Commission having by order dated May 25, 1944 granted to American States an additional period of six months from April 9, 1944 within which to comply with the provisions of the said order of April 9, 1943;

Notice is hereby given that on September 27, 1944 American States filed an application requesting the entry of an order by this Commission under section 11 (c) of the act, extending for six months the time within which to comply with the aforesaid order of April 9, 1943.

All interested persons are referred to said application which is on file in the office of the Commission for full details concerning the application.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumof considering said application and for

other purposes: 
It is ordered, That a hearing in this proceeding be held at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania, at 10:00 a. m., e. w. t., on the 26th day of October 1944 in such room as may be designated on such day by the hearing room clerk.

All persons desiring to be heard or otherwise wishing to participate in this proceeding should notify the Commission in the manner provided by rule XVII of the Commission's rules of practice, on or

before October 24, 1944.

It is further ordered, That Charles S. Lobinger or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing at such time. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a trial examiner under the Commission's rules of practice.

It is further ordered, That, without limiting the scope of the issues presented by such application, particular attention will be directed at the hearing to (1) whether the applicant has shown due diligence to comply with the Commission's order of April 9, 1943, and (2) whether an extension of time for compliance with said order is necessary or appropriate in the public interest or for the protection of investors or consumers.

It is further ordered, That the secre-\*tary of the Commission shall serve notice of this order by mailing a copy thereof by registered mail to American States Utilities Corporation and that notice shall be given to all other persons by publication thereof in the FEDERAL REGISTER.

By the Commission.

[SEAL]

ORVAL L. DUBOIS. Secretary.

[F. R. Dac. 44-15754; Filed, Oct. 12, 1944; 10:44 a. m.)

[File No. 54-104]

STANDARD POWER AND LIGHT CORP.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 10th day of October, 1944.

The Commission having on June 19. 1942, entered an order pursuant to the provisions of section 11 (b) (2) of the Public Utility Holding Company Act of 1935 In the Matter of Standard Power and Light Corporation, File No. 59-13, directing, among other things, that Standard Power and Light Corporation, a registered holding company, be liquidated and its existence terminated; and a joint application having been filed by Standard Power and Light Corporation and its subsidiary company, Standard Gas and Electric Company, contingent upon the consummation of the amended plan for recapitalization of Standard Gas and Electric Company

dated August 26, 1944, as modified by Amendment No. 1 dated September 11, 1944, said joint application providing, in substance, for the transfer of all of the assets of Standard Power and Light Corporation to Standard Gas and Electric Company except such sums as might be necessary in connection with the termination of the existence of Standard Power and Light Corporation, in exchange for 567,581 shares of new Common Stock of Standard Gas and Electric Company and the release of Standard Power and Light Corporation from a suit instituted against it by Daniel O. Hastings, as Special Trustee, for Standard Gas and Electric Company; it appearing that Standard Power and Light Corporation is a defendant in an action pending in the District Court of the United States for the District of Delaware brought by Cora Homewood and others, alleged stockholders of the corporation, against Bancamerica-Blair Corporation, A. C. Allyn & Co., Inc., and H. M. Byllesby and Company, in which plaintiffs claim a right to an accounting from the defendant, Standard Power and Light Corporation and others for the benefit of Standard Power and Light Corporation; and it further appearing that H. M. Byllesby and Company under an agreement dated June 28, 1940, surrendered to Standard Power and Light Corporation for cancellation and extinguishment certificates for 330,000 shares of Common Stock Series B of Standard Power and Light Corporation, with the reservation of the right on the part of H. M. Byllesby and Company to receive upon any distribution of the assets of Standard Power and Light Corporation the proportionate share in said assets on a parity with the holders of Common Stock and Common Stock Series B, in an amount which would have been the distributive share of 330,000 shares of Common Stock Series B if the certificates therefor were not surrendered;

Notice is hereby given that Standard Power and Light Corporation has filed a plan on September 27, 1944, pursuant to the provisions of section 11 (e) of the Public Utility Holding Company Act of 1935, which plan is stated to provide the steps by which Standard Power and Light Corporation shall be liquidated and its existence terminated in compliance with the above-mentioned order requiring liquidation dated June 19, 1942. All interested persons are referred to said plan which is on file at the office of this Commission for a statement of the transactions therein proposed, which may be summarized as follows:

(1) If the plan proposed in joint application of Standard Power and Light Corporation and Standard Gas and Electric Company, above referred to, providing for the transfer of all the assets of Standard Power and Light Corporation to Standard Gas and Electric Company, except such sums necessary to be retained for the liquidation of Standard

Power and Light Corporation, in exchange for 567,581 shares of new Common Stock of Standard Gas and Electric Company and the release of Standard Power and Light Corporation from a certain suit now pending against it shall have been made effective and (2) subject to approval of the proposed settlement of the above-referred to action brought by Cora Homewood against Standard Power and Light Corporation and others by the United States District Court for the District of Delaware, Standard Power and Light Corporation shall distribute or cause to be distributed the 567,581 shares of new Common Stock of Standard Gas and Electric Company as follows:

(a) To holders of Preferred Stock of Standard Power and Light Corporation—14½ shares of new Common Stock of Standard Gas and Electric Company for each share of Preferred Stock of Standard Power and Light Company, aggregating 493,783 shares;

(b) To holders of Common Stock of Standard Power and Light Corporation—4.8 shares of new Common Stock of Standard Gas and Electric Company for each 100 shares of Common Stock of Standard Power and Light Corporation, aggregating 63,360 shares;

(c) To holders of Common Stock Series B of Standard Power and Light Corporation—4.8 shares of new Common Stock of Standard Gas and Electric Company for each 100 shares of Common Stock Series B of Standard Power and Light Corporation, aggregating 5,280 shares;

(d) To H. M. Byllesby and Company— 5,158 shares of new Common Stock of Standard Gas and Electric Company.

No fractional shares of new Common Stock of Standard Gas and Electric Company will be delivered, but scrip certificates will be delivered representing the interests in fractional shares of new Common Stock of Standard Gas and Electric Company, exchangeable when accompanied by other scrip certificates in such amount as to represent in the aggregate the right to receive one or more full shares of such new Common Stock. The holders of scrip certificates so delivered will not be entitled to any rights as shareholders of Standard Gas and Electric Company until the scrip certificates are so exchanged. If all scrip certificates shall not be so exchanged within two years from the date upon which the amended plan for recapitalization of Standard Gas and Electric Company, dated August 26, 1944, as amended, shall become effective. the shares of the new Common Stock represented by such scrip certificates then outstanding shall be sold and the net proceeds of such sale shall be held for the benefit of the holders of such scrip certificates for a further period not exceeding two years. Any balance thereof remaining unclaimed by such holders at the end of such additional period of two years shall revert to Standard Gas and Electric Company.

It is hereby ordered, That a hearing be held on said plan of Standard Power and Light Corporation and Standard Gas and Delectric Company on November 9, 1944,

at 10:00 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania, in such room as may be designated on such day by the hearing room clerk in Room 318. All persons desiring to be heard or otherwise wishing to participate in the proceedings should notify the Commission in the manner provided by its rules of practice, rule XVII, on or before the 4th day of November 1944.

It is further ordered, That William W. Swift or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a trial examiner under the Commission's rules of practice.

It is further ordered, That notice of this hearing be given to Standard Power and Light Corporation, Standard Gas and Electric Company, Daniel O. Hastings, as Special Trustee for Standard Gas and Electric Company and Edgar J. Schoen, counsel for Cora Homewood, et al., and to all other persons; such notice to be given to Standard Gas and Electric Company, Standard Power and Light Corporation, Daniel O. Hastings, as Special Trustee, and Edgar J. Schoen by registered mail and to all other persons by publication in the FEDERAL REGISTER and by general release of this Commission which shall be distributed to the press and mailed to the mailing list for releases issued under the act; and

It is further ordered, That Standard Power and Light Corporation mail a copy of the plan and of this notice and order at least twenty days prior to November 9, 1944, to each of its security holders at his last known address; and

It is further ordered, That without limiting the scope of issues presented by said plan particular attention will be directed at said hearing to the question whether the plan is fair and equitable to the persons affected thereby.

By the Commission.

[SEAL]

ORVAL L. DuBois, Secretary.

[F. R. Doc. 44-15752; Filed, Oct. 12, 1914; 10:45 a. m.]

[File No. 54-105]

STANDARD POWER AND LIGHT CORP., AND STANDARD GAS AND ELECTRIC CO.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 10th day of October 1944.

The Commission having on June 19, 1942, entered an order pursuant to the provisions of section 11 (b) (2) of the Public Utility Holding Company Act of 1935 in the matter of Standard Power and Light Corporation, File No. 59-13, directing, among other things, that Standard Power and Light Corporation, a registered holding company, be liquidated and its existence terminated; and

<sup>&</sup>lt;sup>1</sup>See In the Matter of Standard Power and Light Corporation and Standard Gas and Electric Company, File No. 54–105, Notice of Filing and Order for Hearing, Holding Company Act Release No. 5347.

it appearing that Standard Power and Light Corporation is a defendant in a suit in the Court of Chancery in the State of Delaware instituted by Daniel O. Hastings as Special Trustee for Standard Gas and Electric Company; and it further appearing that Standard Power and Light Corporation cowns securities of Standard Gas and Electric Company, a registered holding company and a subsidiary of Standard Power and Light Corporation, concerning which securities questions have been raised as to the participation which should be accorded Standard Power and Light Corporation in the recapitalization of Standard Gas and Electric Company;

Notice is hereby given that Standard Power and Light Corporation and Standard Gas and Electric Company have filed a plan on September 27, 1944, pursuant to the provisions of section 11 (e) of the Public Utility Holding Company Act of 1935, which plan is stated to be a step to enable Standard Power and Light Corporation to comply with the above-mentioned order requiring liquidation dated June 19, 1942. All interested persons are referred to the said plan which is on file at the office of this Commission for a statement of the transactions therein proposed, which may be summarized as follows:

If the amended plan for recapitalization of Standard Gas and Electric Company dated August 26, 1944, as modified by Amendment No. 1 thereto dated September 11, 1944, shall have been made effective, Standard Power and Light Corporation will transfer and deliver to Standard Gas and Electric Company all of its assets, except such sums in cash or otherwise as shall be sufficient to pay the expenses incurred in connection with the consummation of the proposed plan and in connection with the plan for the winding up and termination of the existence of Standard Power and Light Corporation, said amount including \$25,000 to be paid to Daniel O. Hastings, as Special Trustee for Standard Gas and Electric Company. In exchange, Standard Gas and Electric Company will issue and deliver to or upon the order of Standard Power and Light Corporation 567,581 shares of its new common stock, and subject to the approval of the United States District Court for the District of Delaware, Daniel O. Hastings, as Trustee, will consent to the dismissal without costs of his pending suit against Standard Power and Light Corporation in the Court of Chancery in the State of Delaware and will deliver to Standard Power and Light Corporation an appropriate covenant not to sue said corporation in the future.

It is hereby ordered, That a hearing be held on said plan of Standard Power and Light Corporation and Standard Gas and Electric Company on November 8, 1944, at 10:00 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania, in such room as may be designated on such day by the hearing room clerk in Room 318. All persons desiring to be heard or otherwise wishing to participate in the proceedings should notify the Commission in the manner provided by its rules

of practice, rule XVII, on or before the 3d day of November, 1944.

It is further ordered, That William W. Swift or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a trial examiner under the Commission's rules of practice.

It is further ordered, That notice of this hearing be given to Standard Gas and Electric Company, Standard Power and Light Corporation and Daniel O. Hastings, as Special Trustee, and to all other persons; such notice to be given to Standard Gas and Electric Company, Standard Power and Light Corporation and Daniel O. Hastings, as Special Trustee, by registered mail and to all other persons by publication in the Federal Register and by general release of this Commission which shall be distributed to the press and mailed to the mailing list for releases issued under the act; and

It is further ordered, That Standard Power and Light Corporation mail a copy of the plan and of this notice and order at least twenty days prior to November 8, 1944, to each of its security holders at his last known address; and

It is further ordered, That without limiting the scope of issues presented by said plan particular attention will be directed at said hearing to the question whether the plan is fair and equitable to Standard Gas and Electric Company and to the stockholders of Standard Power and Light Corporation.

By the Commission.

[ŞEAL] O

ORVAL L. DUBOIS, Secretary.

[F. R. Doc. 44-15753; Filed, Oct. 12, 1944; 10:45 a. m.]

#### WAR FOOD ADMINISTRATION.

SUGAR CREEK CREAMERY CO.

ORDER DEBARRING FEDERAL GRADING SERVICE

Order debarring Sugar Creek Creamery Company, National Butter Division, from receiving Federal grading service on its butter.

Sugar Creek Creamery Company, National Butter Division, is a corporation which is engaged in the packaging and distributing of butter for sale at its plants located at Dubuque, Iowa, and St. Paul, Minnesota, and it has been receiving grading service through the facilities of the War Food Administration, on its butter at those plants.

On the basis of admissions made by an authorized representative of that corporation, and other available information:-

It is hereby determined, that, between February 1944 and September 1944, such corporation knowingly and wilfully violated certain provisions of the regulations (7 CFR, Cum. Supp., 55.1 et seq.; 8 F.R. 8909, 12773—generally referred to as Service and Regulatory Announcements No. 157, as Revised) issued under the authority contained in the so-called

Farm Products Inspection Act (57 Stat. 408, 421, Pub. L. No. 367, 78th Cong. 2d Sess.; 7 U. S. C., Supp. III, 414) in that it:

(a) Used a form of certificate of quality on its butter wrappers and cartons containing its butter which simulated the officially approved form of U. S. certificates of quality;

(b) Used U. S. certificates of quality on wrappers containing its butter which had not been graded by an official grader of the War Food Administration;

(c) Used U. S. certificates of quality on butter grading less than U. S. 92 score:

(d) In certain cases where U. S. certificates of quality were used, failed to have stamped or perforated on such certificates, or on the wrappers or the cartons containing the butter in connection with which those certificates were used, the dates of grading and the number of the grading certificate; and

(e) Used U. S. cartificates of quality in an unethical, deceptive, fraudulent, illegal, and unauthorized manner.

Obtaining inspections and certifications of farm products by disinterested graders is a privilege which is conferred by the United States Government, through the War Food Administration, in an effort to aid commerce by providing marks of quality upon which all may rely. Those who receive the service are benefited by the reliance placed on those marks by customers and prospective customers. Such benefits do not accrue without corresponding responsibilities. On those who are privileged to receive grading service, there is an obligation to see that they and all their employees and agents do nothing which might have the effect of lessening the faith which is justly placed in certificates of grade and quality issued by the United States Government.

In view of the foregoing, It is hereby ordered, That:

(a) During the period from 12:01 a. m., c. w. t., October 16, 1944, to 12:01 a. m., c. w. t., April 17, 1945, the Sugar Creek Creamery Company, National Butter Division, is debarred from having its butter graded and certified to as to grade by an official grader of the War Food Administration: Provided, That any restoring of such privilege to the said corporation on and after the latter date shall be subject to all official rules and regulations which are applicable in that connection; and

(b) A copy of this order shall be filed with the Federal Register for publication, and the Dairy and Poultry Branch, Office of Distribution, shall make copies of it available to publications circulated in the dairy trade.

(57 Stat. 408, 421; Pub. L. No. 367, 78th Cong. 2d Sess.; 7 U.S.C., Supp. III, 414; E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; 7 CFR Cum. Supp., 55.1 et seg. and 8 F.R. 8909, 12773)

LEE MARSHALL, Director of Distribution.

OCTODER 11, 1944.

[F.R. Dec. 44-15773; Filed, Oct. 12, 1944; 11:22 a. m.]